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A HISTORY OF
THE AMERICAN PEOPLE

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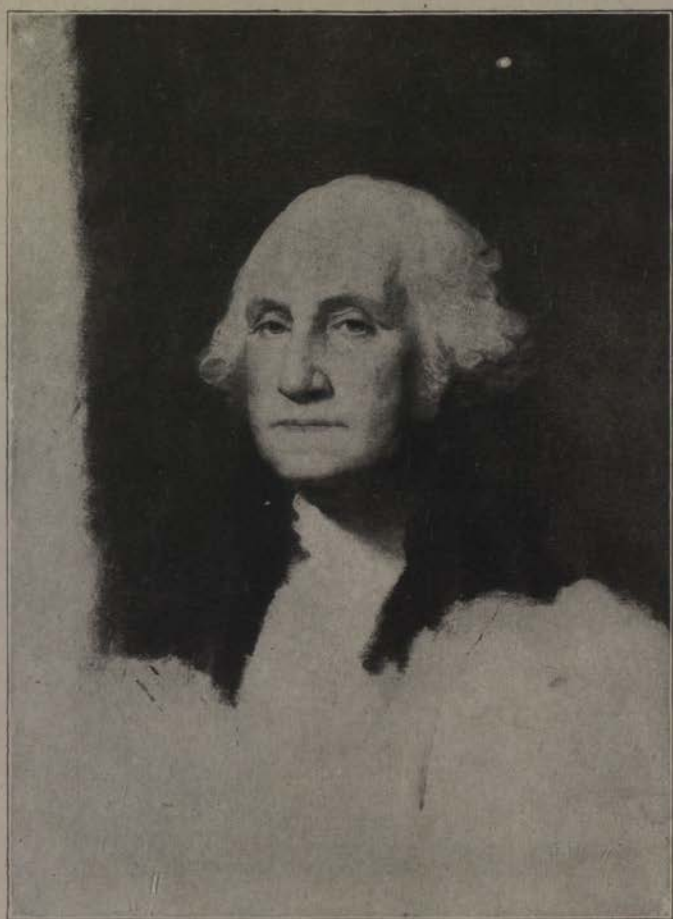
WOODROW WILSON, PH.D., LITT.D., LL.D.

DOCUMENTARY EDITION

IN TEN VOLUMES

VOL. V

The Founding of the Government



G. Washington

GEORGE WASHINGTON

(From the painting by Gilbert Stuart in the Museum of Fine Arts, Boston)

DOCUMENTARY EDITION

A HISTORY OF THE AMERICAN PEOPLE

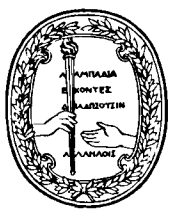
BY

WOODROW WILSON, PH.D., LITT.D., LL.D.
PRESIDENT OF THE UNITED STATES

ENLARGED BY THE ADDITION OF ORIGINAL SOURCES AND LEADING DOCUMENTS OF AMERICAN HISTORY INCLUDING NARRATIVES OF EARLY EXPLORERS, GRANTS, CHARTERS, CONCESSIONS, TREATIES, REVOLUTIONARY DOCUMENTS, STATE PAPERS, PROCLAMATIONS AND ENACTMENTS

ILLUSTRATED WITH CONTEMPORARY VIEWS, PORTRAITS, FACSIMILES AND MAPS SELECTED FROM RARE BOOKS AND PRINTS

IN TEN VOLUMES
VOLUME V



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A History of the American People

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CONTENTS

PART I

CHAP.		PAGE
I.	Between War and Peace	1
II.	Founding a Federal Government	38

PART II

ORIGINAL DOCUMENTS

Colonial Petition and Memorials Following the Declarations of the Stamp Act Congress of 1765 . . . 119

The Massachusetts Election Sermon of 1776.—From the original sermon printed by John Gill, of Boston, in 1776 . 132

Address of the First Continental Congress to the People of Great Britain, 1774.—From "Journals of Congress" from 1774 to 1778, Vol. I., edition of 1823 . . 135

Petition of the First Continental Congress to the King, 1774.—From "Journals of Congress" from 1774 to 1778, Vol. I., edition of 1823 149

Non-Importation Agreement, 1774.—From "Journals of Congress" from 1774 to 1778," Vol. I., edition of 1823 . 160

Franklin's Vindication of the Colonies, 1775.—From Jared Sparks's edition of "The Works of Benjamin Franklin," Vol. V. Boston, 1856 169

Virginia Bill of Rights, 1776.—From "Federal and State Constitutions," Vol. II. Edited by Ben Perley Poore, Washington, 1877 176

Paine's Plea for American Independence, 1776.—From the "Political Writings of Thomas Paine," Vol. I. New York, 1835 181

CONTENTS

PAGE

CESSION OF WESTERN LANDS TO THE NATIONAL GOVERNMENT, 1781.—From "Western Reserve and Northern Ohio Historical Society Tracts, No. 20." Cleveland, February, 1874 . 196

CESSION OF NORTHWEST TERRITORY BY VIRGINIA, 1783.—From "American Charters, Constitutions, and Organic Laws," Vol. II. Government Printing Office 207

WASHINGTON'S REFUSAL TO BECOME KING, 1783.—From "The Writings of George Washington," Vol. X. Compiled by W. C. Ford, 1891 213

WASHINGTON AND THE NEWBURG ADDRESS, 1783.—From "The Writings of George Washington," Vol. X. Edited by W. C. Ford, 1891 216

COST OF THE WAR OF INDEPENDENCE, 1775–83.—From Hildreth's "History of the United States," edition of 1852 230

THE FIRST AMERICAN MINISTER TO THE COURT OF ST. JAMES'S, 1785.—From "The Works of John Adams," Vol. VIII. Boston, 1853 236

FOUNDING THE FEDERAL GOVERNMENT, 1786.—From the text in the official proceedings of the commissioners, reprinted in Jonathan Elliot's Debates in the Several State Conventions and Journal of the Federal Convention on the Adoption of the Federal Constitution, Vol. I. Philadelphia, 1876 244

THE FIRST PRESIDENTIAL INAUGURATION, 1789.—From "The Washington Papers, Executive Proceedings," Vol. XVII., in the Department of State 248

THE FIRST NATIONAL THANKSGIVING PROCLAMATION, 1789.—From Sparks's "Washington," Vol. XII. Boston, 1855 . 263

WASHINGTON'S FIRST INAUGURAL ADDRESS, 1789.—From "The Writings of George Washington," Vol. XI. Edited by W. C. Ford, New York, 1891 265

FIRST ANTI-SLAVERY PETITIONS TO CONGRESS, 1790.—From "House Journal," Second Session, First Congress . . . 272

PRESIDENT WASHINGTON'S FIRST ANNUAL MESSAGE, 1790.—From "Annals of Congress," Vol. I., edition of 1834 . . 275

HAMILTON'S REPORT ON A NATIONAL BANK, 1790.—From "American State Papers, Finance," Vol. I. 286

HAMILTON'S REPORT ON THE PUBLIC CREDIT, 1790.—From "American State Papers, Finance," Vol. I. 303

CONTENTS

PAGE

HAMILTON'S REPORT ON MANUFACTURES, 1791. — From "American State Papers, Finance," Vol. I. 321

JEFFERSON ON CONTROL OF THE LOWER MISSISSIPPI, 1792.— From P. L. Ford's "The Writings of Thomas Jefferson," Vol. V. New York, 1895 344

NOTES ON ILLUSTRATIONS

PAGE

GEORGE WASHINGTON.—From the painting by Gilbert Stuart in the Boston Museum of Fine Arts, known as the "Boston Athenæum head" which Stuart painted in 1796. It is the latest of Stuart's pictures of Washington from life . . . . . *Frontispiece*

SIR HENRY CLINTON.—Reproduced from an old steel engraving after a painting by Smart 3

RODNEY TRIUMPHANT. FROM GILLRAY'S CARICATURE UPON THE OCCASION OF SIR GEORGE RODNEY'S VICTORY OVER ADMIRAL DE GRASSE IN THE WEST INDIES.—Reproduced from the print in the New York Public Library. This signal victory of Rodney over de Grasse was considered the most important battle of the century, and as a reward for his services Rodney was raised to the peerage. The print shows Rodney trampling on the French flag while receiving de Grasse's sword. In the background are sailors bringing ashore the treasure-chests, while above Rodney is seen the Viscount's coronet, which never reached his head . . . 5

YALE COLLEGE AND CHAPEL, 1786.—Reproduced from an old print in the library at Yale University, New Haven, Conn. 7

HENRY SEYMOUR CONWAY.—Reproduced from a print in the *European Magazine*, 1782 9

NORTH SIDE OF WALL STREET, NEW YORK, 1785.—Redrawn from an old print 10

LORD SHELBURNE.—Reproduced from an old steel engraving 11

SOUTH CAROLINA CURRENCY.—From the original in the New York Public Library 13

GENERAL CARLETON'S RETURN OF REFUGEES.—From *The Memorial History of New York City* 14

NOTES ON ILLUSTRATIONS

PAGE

SIR GUY CARLETON.—Redrawn from an engraving in the *Political Magazine*, 1782 15

TITLE-PAGE OF BURKE'S "CONSIDERATIONS."—Reproduced from the original in the library of Harvard University, Cambridge, Mass. 17

COUNT DE VERGENNES.—Reproduced from an engraving by Vangelisti, after the painting by Callet, in the New York Public Library 19

JOHN JAY.—From a painting by Gilbert Stuart 21

RICHARD HENRY LEE.—From the painting by C. W. Peale, in Independence Hall, Philadelphia, Pa. 23

TORY REFUGEES ON THEIR WAY TO CANADA.—From a painting by Howard Pyle 25

MOUNT VERNON, THE HOME OF GEORGE WASHINGTON.—From a recent photograph 27

A POLITICAL DISCUSSION.—From a painting by Howard Pyle 29

GENERAL GEORGE WASHINGTON'S COACH AND FOUR.—Redrawn from an old print 30

ROBERT MORRIS.—From the painting by Gilbert Stuart . . 31

ALEXANDER HAMILTON.—From the portrait by Weimar, in the Governor's Room, New York City Hall . . *Facing p.* 32

FACSIMILE OF CONTINENTAL BUDGET, 1786.—From the *MS. Reports* of the Board of Treasury, in the Emmet Collection, New York Public Library 33

MAP OF NORTH AMERICA IN 1782.—Showing the boundaries according to the proposals of the Court of France . . . 35

ALONG THE WATER FRONT, NEW YORK, ABOUT 1780.—From a painting by Howard Pyle 39

THE BURIAL OF BRADDOCK.—From a painting by Howard Pyle 41

FRAUNCE'S TAVERN IN 1783.—From Wilson's *Washington* . . 43

ADDRESS OF RETURNED CITIZENS, NEW YORK, 1783.—From *The Memorial History of the City of New York* . . . 44, 45

NOTES ON ILLUSTRATIONS

PAGE

MAP OF THE UNITED STATES, 1783 47

UNFINISHED PORTRAITS OF THE SIGNERS OF THE TREATY OF PARIS, 1783.—By Benjamin West 50

FACSIMILES OF SIGNATURES TO TREATY OF PEACE.—From a photograph of the original in the State Department at Washington 52

ROYAL PROCLAMATION OF CESSATION OF HOSTILITIES.—From the original in the Emmet Collection, New York Public Library 55

SHAY'S MOB IN POSSESSION OF THE COURT HOUSE.—From a painting by Howard Pyle 57

MARQUIS DE LAFAYETTE.—From an engraving by Jones . . 59

THOMAS SUMTER.—From an engraving after the painting by C. W. Peale 63

COUNT DE GRASSE.— From an etching in the Emmet Collection, New York Public Library 65

SPECIMEN OF VIRGINIA CURRENCY.—From a photograph . . 67

JOHN BLAIR.—From an etching in the Emmet Collection, New York Public Library 69

GOUVERNEUR MORRIS.—From an etching in the Emmet Collection, New York Public Library 70

RUFUS KING.—From a painting by Gilbert Stuart 73

EDMUND RANDOLPH.—From a painting in the Capitol at Richmond 75

GOVERNOR BOWDOIN'S PROCLAMATION.—From the original in the Massachusetts Historical Society 77

SILHOUETTE OF JAMES BOWDOIN.—From Winsor's *Narrative and Critical History of America* 79

JAMES BOWDOIN.—From the original painting by John Singleton Copley, in the library at Bowdoin College, Maine . . 81

OLIVER ELLSWORTH.—From an engraving after a painting by J. Herring 84

HENRY LAURENS.—From an old English engraving . . . 86

NOTES ON ILLUSTRATIONS

PAGE

WILLIAM PATTERSON.—From an etching in the Emmet Collection, New York Public Library 88

THOMAS PAINE.—Redrawn from an old print 90

TITLE-PAGE OF "COMMON SENSE."—From the original in the library of Harvard University 92

GEORGE WASHINGTON, FROM THE BUST BY ECKSTEIN.—From Wilson's *Washington* 95

JOHN MARSHALL.—From an engraving after a painting by Henry Inman . . . . . *Facing p.* 96

THOMSON, THE CLERK OF CONGRESS, ANNOUNCING TO WASHINGTON, AT MOUNT VERNON, HIS ELECTION TO THE PRESIDENCY.—From a painting by Howard Pyle 97

INAUGURATION OF WASHINGTON IN NEW YORK.—From a painting by Howard Pyle 99

THE FIRST PRESIDENTIAL MANSION, AT PEARL AND CHERRY STREETS.—Redrawn from an old print 101

HENRY KNOX.—From a painting by C. W. Peale 103

CELEBRATION IN NEW YORK ON THE NIGHT OF WASHINGTON'S INAUGURATION.—From a painting by Howard Pyle . . 105

GOVERNMENT HOUSE AT THE BATTERY, NEW YORK, 1790.—From Wilson's *Washington* 107

CONGRESS HALL, 1790–1800.—Redrawn from an old print . 109

UNITED STATES FRIGATE, 1812.—Redrawn from an old print . 111

VIEW OF BROAD STREET AND CITY HALL, NEW YORK, 1780.—Redrawn from an old print 113

MAPS

THE UNITED STATES IN 1783. — Showing claims of the States . . . . . *Facing p.* 48

MAP OF VOTES IN MIDDLE AND SOUTHERN STATES ON FEDERAL CONSTITUTION, 1787–89.—With contour lines by Professor O. G. Libby, of the University of Wisconsin . *Facing p.* 78

NOTES ON ILLUSTRATIONS

PAGE

MAP OF VOTES IN NEW ENGLAND STATES ON FEDERAL CONSTITUTION, 1787–88.—With contour lines by Professor O. G. Libby, of the University of Wisconsin . *Facing p.* 80

ORIGINAL DOCUMENTS

NOTES ON ILLUSTRATIONS

THE DUKE OF GRAFTON (AUGUSTUS HENRY FITZROY).—From an engraving by E. Bocquet after the picture by J. Hoppner. The Duke of Grafton first came into notice in the opposition to Lord Bute. In 1765–66 he was secretary of state under Rockingham. In 1766 Pitt became Prime Minister and made Grafton First Lord of the Treasury, and owing to Pitt's illness he undertook the duties of Premier in 1770 . 121

WILLIAM MURRAY, FIRST LORD OF MANSFIELD.—From an engraving of the painting by Sir Joshua Reynolds. Chief Justice of the King's Bench, 1756–88. In the course of the debate on the Stamp Tax, the repeal of which he opposed, he stated that the colonists were as fully represented in Parliament as the English people 123

CHARLES PRATT, FIRST EARL OF CAMDEN.—From an engraving by E. Bocquet after the painting by Sir Joshua Reynolds. Camden was Lord Chancellor from 1766 to 1770. In 1765, in his maiden speech in the House of Lords, he denounced the passing of the Stamp Act as a breach of the constitution. Subsequently, in a speech against the declaratory bill, he maintained that taxation without representation was sheer robbery. His views on these questions, and on most political questions later, met the vehement opposition of Lord Mansfield 127

SIR FRANCIS BERNARD.—From the painting by Copley in possession of Christ Church College, Oxford. In 1758 Sir Francis Bernard was appointed governor of New Jersey, and in 1760 he was transferred to Massachusetts, where he supported all measures obnoxious to the colonists. After a stormy administration of nearly nine years he was recalled and made a baronet. He became so thoroughly unpopular while governor of Massachusetts that when he left Boston the bells were rung, cannon were fired, and the "Liberty-tree" was hung with flags in token of the joy of the people . . . . . *Facing p.* 130

AN ENGLISH POLITICIAN.—From Green's *A Short History of the English People*, vol. iv. After a picture by W. Hogarth 136

NOTES ON ILLUSTRATIONS

PAGE

THE MANSION HOUSE, LONDON.—From Green's *A Short History of the English People*, vol. iv. After a picture by Samuel Scott, about 1750, in the Guildhall Art Gallery. The Mansion House is the official residence of the Lord Mayor of London 140

THE ADMIRALTY IN 1780.—From an engraving made in 1780 . 143

WILLIAM PITT, EARL OF CHATHAM.—From the picture by Richard Brompton as reproduced in Green's *A Short History of the English People*, vol. iv. 145

REDUCED FACSIMILE OF PAGES 37 AND 38 OF "THE HUMBLE ADDRESS OF THE HOUSE OF COMMONS TO THE KING," 1774. —From the original Broadside in the New York Public Library 150, 151

COLONEL ISAAC BARRÉ.—From Lossing's *Field Book of the Revolution*, vol. i. Barré advocated the repeal of the Stamp Act in 1765, and was opposed to severe measures toward America. Some have attributed the authorship of the celebrated *Letters of Junius* to him. There is a mezzotint portrait of Barré in the Emmet Collection, New York Public Library 153

STATE COACH OF GEORGE III.—From Green's *A Short History of the English People*, vol. iv., from the original in the South Kensington Museum 155

GEORGE III.—From Lossing's *Field Book of the Revolution*, vol. i., after a sketch by Gear. The illustration represents George III. as he usually appeared about 1776 158

BLANK FORM OF CIRCULAR LETTER OF THE BOSTON COMMITTEE OF CORRESPONDENCE.—From an original Broadside, June, 1774, in the New York Public Library . . 161

TITLE-PAGE OF THE INSTRUCTIONS FOR SEIZING THE SHIPS OF THE REBELLIOUS COLONIES.—From an original Broadside, March 27, 1777, in the New York Public Library . . . 165

BENJAMIN FRANKLIN.—From an engraving by W. Haines, after the painting by M. Chamberlin, published, Philadelphia, 1804. The two best known English portraits of Franklin are those by Chamberlin and David Martin . *Facing p.* 170

BENJAMIN FRANKLIN.—From the painting by C. N. Cochin in 1777, representing Franklin when he was seventy-one . 173

NOTES ON ILLUSTRATIONS

PAGE

GUNSTON HALL, THE HOME OF GEORGE MASON.—From *Harper's Magazine*, vol. xcii. In the foreground is shown the northwest corner room in which the Virginia Bill of Rights is supposed to have been drafted 177

TAZEWELL HALL, THE HOME OF THE RANDOLPHS.—After a print in "Omitted Chapters of History in the Life and Papers of Edward Randolph," published in *Harper's Magazine*, vol. xcii. 179

THOMAS PAINE.—From a French engraving made in 1793, reproduced from a print in the New York Public Library. See a portrait of Paine in present volume, p. 90 183

THE FIRST PAGE OF "HIS MAJESTY'S MOST GRACIOUS SPEECH," NOV. 30, 1774.—From an original Broadside, November 30, 1774, in the New York Public Library 185

BEEKMAN HOUSE, RESIDENCE OF SIR WILLIAM HOWE, 1776.—From Charles H. Haswell's *Reminiscences of an Octogenarian of the City of New York*.—The Beekman House, built in 1763, was the headquarters of Sir William Howe and General Charles Clinton during the War of the Revolution. Major André stayed in this house on the night before he proceeded on his fatal adventure 187

THE THOMAS PAINE HOUSE, NEW ROCHELLE, NEW YORK.—From a photograph by Brown Brothers. In 1782 Congress granted Paine $800 and later he received $3,000 more for his services during the War of the Revolution. He also received $2,500 from Pennsylvania, and a tract of land of 300 acres at New Rochelle from the State of New York. A monument was erected in 1839 near the spot where he was buried at New Rochelle. Subsequently the monument was removed about 150 feet from its original site. The house in which Paine lived, the property of the Huguenot Association of New Rochelle, was also moved to be nearer the statue 189

THE MONUMENT TO THOMAS PAINE, NEW ROCHELLE, NEW YORK.—From a photograph by Brown Brothers. The body of Thomas Paine was removed to England in 1819 by William Cobbett. See Note on the Thomas Paine House . 193

GEORGE ROGERS CLARK.—Photographed by L. Bergman, Louisville, Kentucky, after a cut in *Harper's Magazine*, vol. lxxv. Compare this portrait with the portrait on page 123, vol. iv. 198

NOTES ON ILLUSTRATIONS

PAGE

MANASSEH CUTLER.—From *Harper's Magazine*, vol. lxxi. Chosen as the agent for the Ohio Company in 1787 to negotiate with Congress for the purchase of lands in the territory northwest of the Ohio. Cutler was a director in the Ohio Company which was organized in New England in 1787 201

RUFUS PUTNAM.—From *Harper's Magazine*, vol. lxxi. General Rufus Putnam was one of the surveyors appointed under the ordinance of 1785 and "the father of the Ohio company," who organized in 1787 the Ohio Company for the Settlement of the Northwest Territory 202

FORT HARMAR, BUILT IN 1785.—From *Harper's Magazine*, vol. lxxi. This was the second fort erected by the English west of the Ohio, and at the time the New England Colonists arrived the only one in that part of the country, having been built in 1785 at the mouth of the Muskingum River, opposite the site of Marietta 203

SITE OF MARIETTA, OHIO, IN 1788.—From *Harper's Magazine*, vol. lxxi. Founded by Rufus Putnam in 1788, on a point formed by the junction of the Muskingum River with the Ohio opposite Fort Harmar. Here the colonists laid out a town and built a fort, calling it the Campus Martius. The town was called Marietta in remembrance of Marie Antoinette, Queen of France . . 205

MOLL'S MAP OF THE NORTHWEST, 1720.—From Moore's *Northwest Under Three Flags* 208

REDUCED FACSIMILE OF MAP OF THE NORTHWEST TERRITORY.—From Joseph Scott's *United States Gazetteer*, Philadelphia, 1795. This was one of the earliest books published on this subject. The map was drawn and engraved by the author, Joseph Scott 210

AUTOGRAPH OF LEWIS NICOLA.—From Lossing's *Field Book of the Revolution*, vol. i. 213

WASHINGTON REFUSING A DICTATORSHIP.—From *Harper's Magazine*, vol. lxvii., after a painting by Howard Pyle . 214

WASHINGTON'S HEADQUARTERS AT NEWBURG.—From *Harper's Magazine*, vol. lxvii. 218

BROADSIDE ANNOUNCING WASHINGTON'S ENTRY INTO NEW YORK.—From an original in the possession of the New York Historical Society 221

NOTES ON ILLUSTRATIONS

PAGE

WASHINGTON AND HIS GENERALS IN CONSULTATION, MARCH 15, 1783.—From *Harper's Magazine*, vol. lxvii, after a painting by Howard Pyle 224

INTERIOR OF WASHINGTON'S HEADQUARTERS, NEWBURG.—From *Harper's Magazine*, vol. lxvii. 227

FINANCIAL RESOLVES OF CONGRESS, 1778–1779.—From an original Broadside, January 14, 1779, in the New York Public Library 231

RESOLUTION OF CONGRESS, OCTOBER 11, 1787.—Facsimile reduced from an original Broadside in the New York Public Library 233

JOHN ADAMS IN COURT DRESS.—From the painting by Copley, in 1783, in Memorial Hall, Cambridge, Mass. . *Facing p.* 236

ABIGAIL ADAMS.—The wife of John Adams, from Higginson's *Larger History of the United States* 239

JOHN ADAMS.—From an engraving made in 1783, after an original painting owned by Edmund Jennings. A reproduction of this engraving appeared in the *European Magazine*, August, 1783 241

THE ORDER OF THE PROCESSION FOR THE RECEPTION OF PRESIDENT WASHINGTON.—From an original Broadside, Boston, October 19, 1789, in the New York Public Library . . 245

LOTTERY SCHEME TO PAY FOR FEDERAL HALL.—From F. T. Hill's *Story of a Street.* The original is in the possession of the New York Historical Society 249

AUTOGRAPHS OF EIGHT SENATORS WHO SENT OUT AN APPEAL TO THE ABSENTEE SENATORS ON THE EVE OF WASHINGTON'S INAUGURATION.—Only eight Senators out of twenty-two had arrived in New York on the eve of Washington's inauguration, and on March 12, 1789, these eight Senators issued a strong appeal (given below) to the absentees to hurry, the appeal being addressed to the Hon. George Read, with autograph signatures:

NEW YORK, *March 11, 1789.*

To the Honorable George Read, Esqr.:

Sir—Agreeably to the Constitution of the United States, eight Members of the Senate, and eighteen of the house of Representatives have attended here since the 4th of March. It being of the utmost importance that a Quorum sufficient to proceed to business be assembled as soon as possible, it is the opinion of the Gentlemen of both houses, that information of their situation be immediately communicated to the absent Members.

PAGE

We apprehend that no Arguments are necessary to evince to you the indispensable necessity of putting the Government into immediate operation, and therefore that you will be so obliging as to attend as soon as possible.

The autographs and copy of the appeal sent to the absentees are taken from *Harper's Magazine*, vol. lxxviii., p. 678 250

FACSIMILE OF A LETTER FROM HAMILTON TO RICHARD VARICK, CONCERNING TENDER OF FEDERAL HALL TO CONGRESS.—From F. T. Hill's *Story of a Street*. The original in possession of the Hon. John D. Crimmins 252

FEDERAL HALL.—From F. T. Hill's *Story of A Street*. Federal Hall was erected on Wall Street in 1789 for the use of Congress 254

CHARLES CARROLL OF CARROLLTON.—From an engraving by J. B. Longacre after a painting by Field. There are several portraits of Carroll, the best known being the one painted by Chester Harding. He was a member of the committee of escort to Washington on the occasion of the first inauguration in 1789. He was the last survivor of the signers of the Declaration of Independence 255

AN EAST VIEW OF GRAY'S FERRY, NEAR PHILADELPHIA, WITH TRIUMPHAL ARCHES ERECTED FOR THE RECEPTION OF WASHINGTON, APRIL 20, 1789.—From *Harper's Magazine*, vol. lxxviii. Reproduced in the *Columbian Magazine*, May, 1789 257

JOHN R. LIVINGSTON.—From a portrait owned by Miss Eliza H. Livingston, Glenham, N. Y. He was appointed as one of the assistants for conducting the ceremonial of Washington's reception. He was the brother of Robert R. Livingston, who administered the oath of office to Washington in 1789, as the first President of the United States . . . 259

VIEW OF THE TRIUMPHAL ARCH AT TRENTON, NEW JERSEY.—From *Harper's Magazine*, vol. lxxviii.; reproduced in the *Columbian Magazine*, May, 1789. This arch was erected at Trenton, N. J., April 21, 1789, for the reception of Washington on his route to New York 260

THE OLD MCCOMB MANSION, NEW YORK.—From Herbert's *The First American*. This house was the second presidential dwelling in New York, and was built in 1786 by Alexander McComb at 39 Broadway. Washington left this house, August 20, 1790, when the seat of government was transferred to Philadelphia. In 1819 this house was

PAGE

occupied by Mr. C. Bunker as a hotel, and was known as the Mansion House 266

A WARNING BY WASHINGTON'S STEWARD.—From the original in the possession of the N. Y. Historical Society 268

GEORGE WASHINGTON, AGE 25.—From an engraving by Demare after a miniature on ivory said to be by Copley, although other authorities claim that it is the work of C. W. Peale 269

THE FIRST CABINET.—From an engraving in the Print Collection in the New York Public Library 277

THE MORRIS HOUSE, 190 MARKET St., PHILADELPHIA.—From *The First American*, by Leila Herbert. This was Washington's residence while the seat of the government was in Philadelphia 279

GEORGE WASHINGTON.—From a painting by Edward Savage 281

WASHINGTON'S PRIVATE SEAL, 1783.—From *Harper's Magazine*, vol. lxxxii. 283

WASHINGTON'S SEAL.—From a letter to Bouquet, 1758. After a cut in *Harper's Magazine*, vol. lxxxii. 284

ORDINANCE FOR ESTABLISHING A BOARD OF TREASURY.—Facsimile reduced from an original Broadside, July 30, 1779, in the New York Public Library 288, 289

ALEXANDER HAMILTON.—From an engraving by F. S. King after the painting by Trumbull in the New York Chamber of Commerce. Compare with this the portrait of Hamilton by Weimar, facing p. 32 291

FACSIMILE OF SECOND PAGE OF HAMILTON'S REPORT TO CONGRESS.—From the original printed *Report of the Secretary of the Treasury respecting the Redemption of the Public Debt*, November 30, 1792. Copy in the New York Public Library 294

ALEXANDER HAMILTON, AGE 32.—From a miniature by James Peale made in 1789. After a print in the New York Public Library 297

MRS. ALEXANDER HAMILTON.—From an original picture painted in 1781 by R. Earl, and now in possession of Mrs. James A. Hamilton, Dobbs Ferry, N. Y. The reproduction

PAGE

is from a print in the New York Public Library. Mrs. Hamilton was Elizabeth Schuyler, daughter of Gen. Philip Schuyler, who survived her husband, living to the ripe age of 97 299

A TABLE OF THE WEIGHT AND VALUE OF COINED SILVER AND GOLD.—From an original Broadside, October 23, 1784, in the New York Public Library. 305

REVERSE OF A MASSACHUSETTS TREASURY NOTE.—From *Harper's Magazine*, vol. xxvi. 307

FACSIMILE OF A GENUINE CONTINENTAL BILL.—From *Harper's Magazine*, vol. xxvi. 309

FACSIMILE OF A COUNTERFEIT CONTINENTAL BILL.—From *Harper's Magazine*, vol. xxvi. 311

FACSIMILE OF A NEW YORK FIVE-POUND BILL.—From *Harper's Magazine*, vol. xxvi. 313

SILVER PENNY OF WASHINGTON, 1792.—From Snowden, *Medals of Washington*, after a cut in Green's *Short History of the English People*. The mint of the United States was founded in 1792, and issued its first coins in 1793. As early as 1791, however, some experimental dies were prepared, bearing on the obverse a head of Washington and on the reverse the design shown here. Washington himself objected to the placing of his likeness on the coinage, and in the bill for establishing the mint it was accordingly ordained that "an impression emblematic of liberty" should be substituted for the portrait of the President . 316

FACSIMILE OF BACK OF A CONTINENTAL BILL.—From *Harper's Magazine*, vol. xxvi. 317

SAMUEL SLATER.—From an engraving in the Print Collection, New York Public Library. Slater, founder of the cotton-spinning industry in the United States, was apprenticed to cotton-spinning in England under Strutt, partner of Sir Richard Arkwright, the inventor (1769) of spinning-machinery. One of the first acts of the National Congress in 1789 was for the encouragement of American manufacturers, and the legislature of Pennsylvania offered a bounty for the introduction of the Arkwright patents. Slater, hearing of this and possessing a thorough mastery of Arkwright's machinery, which would enable him to build a machine without models or drawings, decided to come to America. He reached New York in November, 1789,

PAGE

and, learning that Moses Brown, of Providence, R. I., had made some attempt at cotton-spinning by machinery, wrote to Brown informing him of what he could do. This resulted in Slater's going to Providence and forming a partnership with Brown, through whose financial assistance Slater was enabled to reproduce the Arkwright machinery and to build (1790), at Pawtucket, R. I., the first cotton-mill in America. This was the beginning of a new era not only in the manufacture of cotton, but in the general industrial development of America 322

HOUSE BUILT AND OCCUPIED BY SAMUEL SLATER, PAWTUCKET, RHODE ISLAND.—After a cut in *Harper's Weekly*, October 4, 1890 323

SAMUEL SLATER'S MILL AT PAWTUCKET, RHODE ISLAND.—From *Harper's Weekly*, October 4, 1890. This was the first cotton-mill erected in America, built by Slater, associated with Moses Brown in 1793 325

RICHARD ARKWRIGHT.—Picture by Joseph Wright, of Derby, after a cut in Green's *Short History of the English People*, vol. iv. Arkwright invented the spinning-machine in 1768 which Samuel Slater first introduced in America in 1790 at Pawtucket, R. I., where was built the first cotton-mill 327

THE ORIGINAL SLATER SPINNING-FRAME.—Preserved in the National Museum, Washington, D. C. Reproduced from a cut in *Harper's Weekly*, October 4, 1890 329

MOSES BROWN.—From a picture in possession of the Rhode Island Historical Society. Moses Brown invited Samuel Slater to Providence and was associated with him in building the first cotton-mill in America, at Pawtucket, R. I., in 1790 335

THOMAS PINCKNEY.—From an engraving in the Print Collection, New York Public Library, by W. G. Armstrong, after an original miniature in oil by J. Trumbull. In November, 1794, Thomas Pinckney was transferred from London, where he had been sent by Washington in 1792 as minister plenipotentiary to the Court of St. James's, and he was sent to Madrid to negotiate with Spain regarding the navigation of the Mississippi 345

GODOY.—From an engraving of the painting by P. A. Varin. Godoy, Manuel de, Duke of Alcudia, Prime Minister of Spain in 1792, called the "Prince of Peace," a title which he had acquired by concluding the Treaty of Basel in 1795.

PAGE

This treaty ended the disastrous war with France, into which Godoy had plunged Spain in 1792. In his negotiation with Spain to effect a treaty for the free navigation of the Mississippi, Thomas Pinckney found difficulty in dealing with the "Prince of Peace," but finally, after threatening to break off negotiations, a treaty was completed whose terms were favorable to the United States . 347

THOMAS JEFFERSON.—From an engraving in the New York Pu lic Library after the painting by Stuart. The print is from the *European Magazine*, 1802, and is not quite the same as the usual full-face Stuart portraits . . *Facing p.* 350

CHARLES IV., KING OF SPAIN.—From an engraving by W. Read. Charles IV. was king of Spain from 1788 to 1808. The government was conducted chiefly by Godoy, the "Prince of Peace," a favorite of the queen, who was made Duke of Alcudia and Minister of Foreign Affairs . . . 353

A HISTORY OF THE AMERICAN PEOPLE

DOCUMENTARY EDITION

PART I.

A HISTORY OF THE AMERICAN PEOPLE

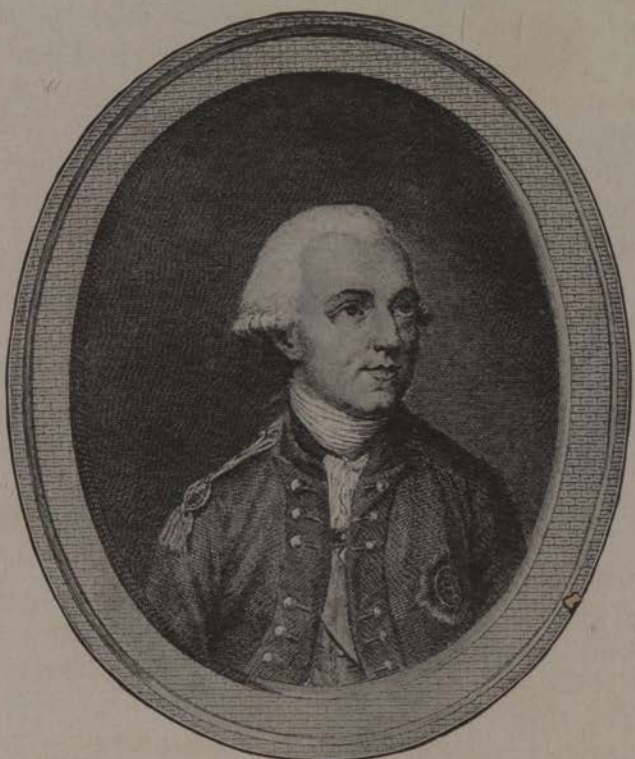
CHAPTER I

BETWEEN WAR AND PEACE

THE surrender of the Earl of Cornwallis at Yorktown closed the career in America of the only British general who had shown commanding gifts in the field. It closed also the revolution itself. The southern campaign had been undertaken at the wish and upon the plan of Cornwallis. He knew how pronounced division of opinion was in the South, and how certain a hold could be got there upon the sympathy of scores of men who could be of the utmost service to an army in the field. He knew how important it was to close the southern ports, and particularly the Chesapeake, in order to shut out the supplies that came steadily in from over sea. He believed that an effectual blow struck from the south at Virginia, after the reduction of the far southern ports, would secure for the British an almost commanding position on the continent. Had Clinton helped him promptly, instead of grudging him aid; had he been enabled to move rapidly and in force as he had planned, he might have accomplished

his purpose effectually, even brilliantly. Even as it was, there had been something very striking about the manner in which he had fought his way from the far southern coasts to Yorktown: the boldness with which he had dared to risk all his connections to deliver a blow; the success with which he had beat off the Americans whenever he was himself personally in command; the comparative freedom with which he had moved in Virginia, despite the gathering strength of the forces under Lafayette. It was the express orders of Clinton, his superior, that had caged him at Yorktown; and it was but seven thousand men he yielded to his fourteen thousand besiegers and de Grasse's fleet in the Bay. It was characteristic of Sir Henry Clinton that he did not start from New York to bring the long-needed aid until the very day of his comrade's surrender. The usual thing had happened. An incompetent commander-in-chief had dallied and blundered with Washington at hand to take advantage of every blunder like a master. Sir Henry had gone to succor Cornwallis as he had gone to meet Burgoyne, when the campaign was over.

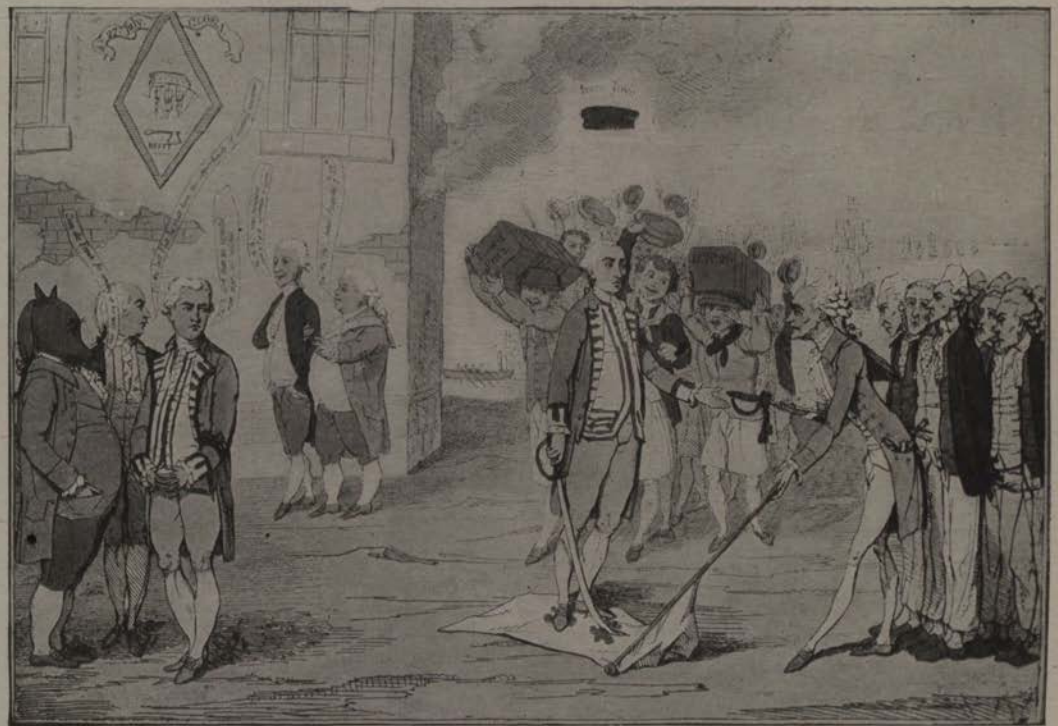
Lord North knew what the news meant when it came. He received it "as he would have taken a ball in his breast, opening his arms and exclaiming wildly, 'O God! it is all over!'" But when that first moment of poignant chagrin was past, no doubt a very distinct sense of relief ensued, to offset the bitterness of the humiliating blow. It was imperative for England that the American war should end. She was beset. France and Spain had taken advantage of the revolt of the colonies once more to attack her,—not because they loved America or sympathized with the ideals of



SIR HENRY CLINTON

liberty for which she fought, but because they wished to make good against England the threatened disaster. United, they were as strong as she upon the seas. Louis XVI. had diligently courted peace with his neighbors on the continent, and had spent the money of France for ships and efficient sailors. Early in 1779 a French squadron had seized the English possessions in Senegal and on the Gambia. That same year a combined French and Spanish fleet swept through the Channel, no English force daring to oppose it. His work in the Chesapeake finished, de Grasse had returned again, upon the surrender of Cornwallis, to his attack upon the British West Indies, and before another spring came he had reduced every English island of the Caribbean Sea except Jamaica, Barbadoes, and Antigua. An English fleet out of New York had attacked him at the capes of the Chesapeake, trying to break the trap into which Cornwallis had fallen, but had been beaten off. In May, 1781, a Spanish force had taken Pensacola and driven the English from Florida; and in February, 1782, a Spanish fleet captured Minorca, and a closer siege than ever was drawn about Gibraltar.

Finding herself at war with half the world, England had claimed the right to search neutral vessels on the high seas for goods belonging to her enemies, and to confiscate them when found; had claimed also the right to seize vessels trading with such of her enemies' ports as she had declared blockaded, whether she had actually blockaded them or not; and so had set the rest of the world against her. The northern states of Europe, headed by Russia, drew together in a league of "Armed Neutrality," determined to assert in force the doctrine that "free ships make free goods,"—a

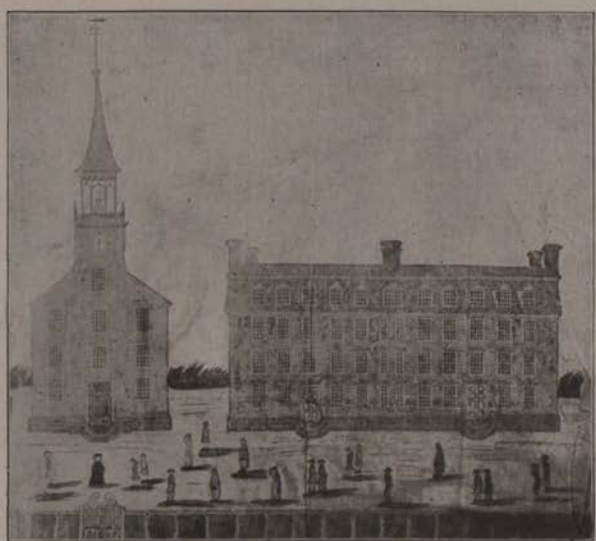


RODNEY TRIUMPHANT, FROM GILLRAY'S CARICATURE UPON THE OCCASION OF SIR GEORGE RODNEY'S VICTORY OVER ADMIRAL DE GRASSE IN THE WEST INDIES

doctrine till then unasserted,—and to make effectual denial of the right to establish "paper blockades," created by proclamation and not by naval force; and the actual resistance of Dutch ships to her attempts to subject them to search forced England, in December, 1780, to make formal declaration of war against the Dutch Republic. Wars with the native princes of India had been heaped upon her other burdens since 1778, and France had sent a formidable armament thither, as she had sent an armament to America, at the moment of most critical danger, demanding that England relinquish everything except Bengal. It was no time to reconquer America.

Opinion as well as fortune had set against the further prosecution of the war against the colonies. At first opinion had seemed to sustain it. The nation, so far as any man could tell, believed it necessary and desirable that the colonies should be brought to obedience. But with the progress of the war opinion had veered. Uneasiness and disquiet had ensued, not merely because every campaign had ended in failure, but also because of the very fact of the war,—a war against Englishmen, and upon questions which abode at home as well as in America. It was noteworthy that the country seemed to grow more and more dissatisfied with Parliament and with the subtile power of the King to rule in every turn of affairs. There began to be, for the first time in England, an articulate "public opinion," which was not the opinion of the Commons but an opinion uttered in mass meetings such as Mr. Wilkes's friends had found out how to assemble and make use of. A great agitation arose for a reduction of the crown's patronage and influence in Parliament, and for the regulation of official

emoluments, in order that corruption might be prevented. In April, 1780, Mr. John Dunning, the Whig member for Calne, and from the first an avowed opponent of the war against the colonies, had actually carried through the House of Commons itself, in the teeth of the ministers, a resolution that "the influence of the crown had



YALE COLLEGE AND CHAPEL, 1786

increased, was increasing, and ought to be diminished." Sudden mobs and tumults disturbed London with the swaying of opinion at every change of policy.

There were some men who saw what underlay the doubts and agitations and dismays of the time,—who saw that the success of the English armies in America would mean such a danger to English liberty itself as they did not care to face,—the supremacy of the crown and of an unreformed Parliament. The Duke of Rich-

mond had not hesitated to declare at the very outset of the war his hope that it would end in just such a crushing defeat as this which had now come at Yorktown. Young Pitt, great Chatham's son, had denounced the war while yet Cornwallis seemed to move victorious in the South as "accursed, wicked, barbarous." Charles Fox clapped his hands at news of Washington's final victory. Lord North had himself long ago lost heart in the business. He had wished to resign ever since the news of Burgoyne's surrender; had kept his office against his will and better judgment because the King so urgently commanded him to keep it; and was heartily glad to get his release when at last the House itself yielded to opinion out-of-doors and voted that the war should stop.

A soldier led the dissatisfied Commons in their tardy revolt,—the gentle Conway, who from the first had stood with Burke and the Rockingham Whigs as a champion of the cause of the Englishmen over sea. On the 27th of February, 1782, he triumphantly carried against the ministers the significant resolution, "That it is the opinion of this House that a further prosecution of offensive war against America would, under present circumstances, be the means of weakening the efforts of this country against her European enemies, and tend to increase the mutual enmity so fatal to the interests both of Great Britain and America," and on the 4th of March capped it with the still more trenchant resolution, "That the House will consider as enemies of his Majesty those who should advise or attempt a further prosecution of offensive war on the continent of North America." By the end of the month North was out, and Rockingham had once more taken office.

With this radical change in the spirit and motive of

affairs at home came brighter news from abroad. In India the native princes had once more been brought to submission, and France had gained no advantage. Rodney had beaten de Grasse in the West Indies (April 12, 1782), in eleven hours of desperate fighting which had rendered the western seas no longer tenable for France had broken her naval power, and had made England safe of her mastery again on those contested coasts. Before the close of the year the combined forces of France and Spain had been obliged to abandon the siege of Gibraltar, which Spain had begun at the very outset of hostilities. It was, of course, no part of the personal triumph of the new ministers that the year in which they supplanted North was also the year in which the tide of victory turned, the year of England's triumph over her European enemies. It was their task to make wise use of victory, and to reform the government which the King had corrupted and North had misused. In that their success was singularly immediate and extensive. By a rapid succession of measures they dis-



HENRY SEYMOUR CONWAY

qualified revenue officers from voting at elections and government contractors from sitting in the House of Commons, and cut in half the patronage of the crown. They were convinced, with Mr. Dunning, that the power of the crown had too much increased and ought to be diminished, in England no less than in America. It showed an extraordinary alteration in the tem-



NORTH SIDE OF WALL STREET, NEW YORK, 1785

per of the Commons that they were able to diminish it so much.

The lesson learned in America told upon the policy of the ministers in more ways than one. It led them to concede, among other things, an independent parliament to Ireland. There had been no soldiers to spare for the defence of Ireland when war threatened every coast and province of the empire; the Irish Protestants had mustered eighty thousand volunteers for their own defence; they could not now be refused the independent parliamentary action they had coveted.

But the chief fruit of the change of ministers was peace. Lord Rockingham lived but three months to preside over the counsels of peace and reformation he had so long wished to bring about. On the 2d of July, 1782, Lord Shelburne became the head of the



Shelburne

LORD SHELBURNE

government, and some of the Rockingham Whigs refused to serve under his leadership. But the reconstitution of the ministry did not affect either its spirit or its policy. It had planned peace and was able to bring it about. France and Spain had but completed their bankruptcy by the war; England's credit was

secure. She could afford to continue the war; they could not. It was a mere matter of terms: England could almost dictate what they should be.

Peace must have seemed to Washington and Greene and Knox in the field, to the executive committees of the Congress at Philadelphia, to Franklin at Paris and John Adams at The Hague, like a beneficent providence rather than a thing earned by decisive victory. It was midsummer, 1782, before they could thoroughly credit those who told them of its certain approach. That supreme stroke at Yorktown having been delivered, everything fell slack; it seemed impossible to add anything, by way of making victory secure. There were still, it might be, some forty thousand British troops in America, reckoning all the posts from Canada round about, west and east, to the Gulf and the islands of the Indies. There were seventeen thousand in New York, and nearly seven thousand facing General Greene in the South. Having finished at Yorktown, Washington sent two thousand men to reinforce General Greene in South Carolina, and himself went promptly back to his post at Newburgh on the Hudson, to watch Clinton at New York, leaving Rochambeau and four thousand French troops at Williamsburg in Virginia, to guard the approaches of the Chesapeake. He was deeply anxious. He knew that the country had reached a point of utter exhaustion, lethargy, and disorganization. Not a recruit could he get. The troops were unpaid, unfed, only half clothed. He deemed the situation one of grave peril, and despaired presently of so much as keeping up appearances, knowing very well that the British were as well aware of his weakness as he was, and of the apathy and con-

fusion of weak counsels that had fallen on the states. Clinton sent word to the ministers that if they would but send him ten thousand more men he would be responsible for the reduction of the country. Rodney presently cleared the coast of the French, and there was nothing to prevent fresh troops and supplies being sent as fast as the ministers wished to send them,—

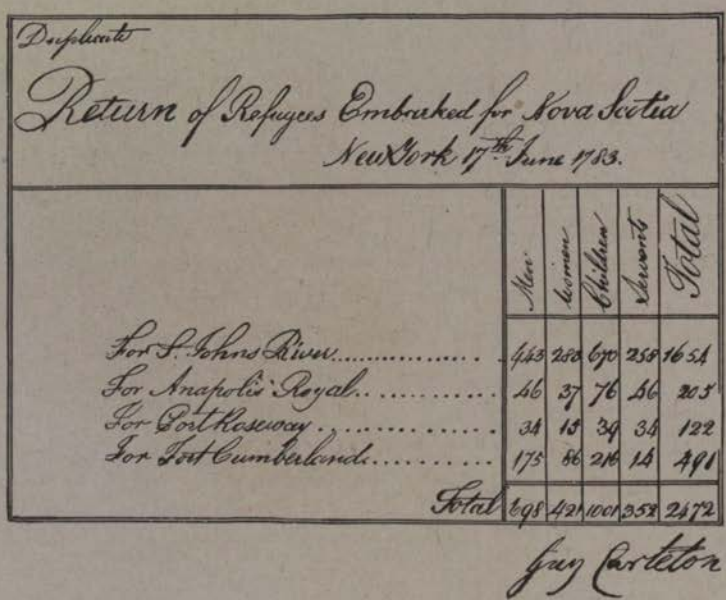

South Carolina
This Certificate will entitle the Bearer to Twenty
Pounds Current Money which will be provided for by the Public
according to a Resolution of the Provincial Congress assembled at
Charles Town the first day of June
FIDES PUBLICA

SOUTH CAROLINA CURRENCY

nothing but the ministers' desire for peace, which Washington found it hard to credit.

But the new year confirmed the good news. The leaders of government in England had no doubt come to perceive very clearly how essentially impossible it was to conquer America, now that the alienation of feeling between the two countries was complete and final, and all thought of submission or accommodation out of the question. Their generals had seldom been beaten in battle, as it was. Burgoyne had won action

after action in the northern forests only to find himself helpless at last. Howe had had his way easily enough at New York and on his expedition against Philadelphia. Cornwallis had moved freely, almost victoriously, into the trap at Yorktown. The unpalatable fact was, that British troops could control only



Duplicate

Return of Refugees Embarked for Nova Scotia
New York 17th June 1783.

	Men	Women	Children	Servants	Total
For S. Johns River	443	253	670	258	1624
For Annapolis Royal	46	37	76	46	205
For Port Roseway	34	15	39	34	122
For Fort Cumberland	175	86	216	14	491
Total	698	421	1001	352	2472

Guy Carleton

GENERAL CARLETON'S RETURN OF REFUGEES

so much of the country as they actually occupied, and that it was out of the question to occupy all of it. With Washington always at hand, always ready to strike, and always able to make the stroke tell, it was not safe even to attempt the maintenance of extended lines. At any rate England had grown weary of the unnatural business; the House of Commons had declared against the war; the new ministers were resolved to end it.

even at the cost of granting America her independence; and it had become only a matter of terms.

In May, 1782, General Clinton was superseded at New York by General Sir Guy Carleton, who was instructed to assure the American commander-in-chief of the government's determination to seek terms of peace, and who was of the noble spirit to like his errand. On the 11th of July the British garrison at Savannah was withdrawn and sent to New York. In August, Washington received from Carleton definitive assurances that the independence of the United States was to be conceded as a preliminary of peace, and in September the French who had remained in Virginia joined the Americans on the Hudson. In October they embarked at Boston for France. By the close of November (November 30, 1782) a provisional treaty of peace had been agreed upon; and on the 14th of December Charleston was also evacuated, and the South left free of British troops. Carle-



SIR GUY CARLETON

ton, when he felt that peace was indeed assured, began to disband the loyalist regiments enlisted in the British service and to despatch many of his regulars to the West Indies, to Nova Scotia, and to England. No one doubted any longer that the end of the bitter business had come at last; every one waited impatiently for the treaties which were to constitute its formal conclusion.

The actual formulation of peace, however, proved a matter of no small difficulty. America and France were bound together by the close and honorable ties of alliance; and France was in her turn allied with Spain, who now felt her interests to be by no means coincident with the interests of America. The Congress at Philadelphia explicitly commanded its commissioners "to be guided by the wishes of the French court." Dr. Franklin, Mr. John Adams, and Mr. John Jay, who bore its commission, were men of honor, and entertained, besides, a lively sense of the very deep obligations of the United States to France, for the money and the armed assistance in the field and upon the seas without which, apparently, their victory would have been impossible. It proved impracticable, nevertheless, to act with France; for she conducted herself, not as the ingenuous friend of the United States, but only as the enemy of England, and as first and always a subtile strategist for her own interest and advantage. The American commissioners would not be tricked and made use of, and came to terms separately, secretly, and for themselves with the English, their instructions notwithstanding. They did not make peace without their ally, but they would not accept terms of her arrangement.

The Count de Vergennes, her astute minister, had

CONSIDERATIONS

ON THE

SOCIETY OR ORDER

OF

CINCINNATI;

LATELY INSTITUTED

By the Major-Generals, Brigadier-Generals, and other Officers of the AMERICAN ARMY.

PROVING THAT IT CREATES

A RACE OF HEREDITARY PATRICIANS,

OR

NOBILITY.

INTERSPERSED WITH REMARKS

On its CONSEQUENCES to the FREEDOM and HAPPINESS of the REPUBLIC.

Addreſſed to the PEOPLE of SOUTH-CAROLINA, and their REPRESENTATIVES.

BY CASSIUS.

Suppoſed to be written by ÆDANUS BURKE, Eſquire, one of the Chief Juſtices of the State of South Carolina.

Blow ye the Trumpet in Zion. The BIBLE.

PHILADELPHIA

Printed and Sold by ROBERT BELL, in *Third-Street.*

Price, *one-ſixth of a Dollar.* M,DCC,LXXXIII

TITLE-PAGE OF BURKE'S "CONSIDERATIONS"

meant to devise a balance of power in America which might be made to redound to the advantage of France in Europe: had meant to support England in the exclusion of the Americans from the Newfoundland fisheries, and in her claim that the northern boundary of the United States should be the river Ohio, instead of the great lakes; to suggest the creation of a neutral zone of territory between the western settlements of the American States and the Mississippi, set apart for the Indians under the joint protection of the United States and Spain; and to stand with Spain for the utmost possible northward extension of the boundaries of Florida, which Spain had taken possession of. The American commissioners ignored him and got their own terms: The independence of the United States, a northern boundary at the great lakes, a western boundary at the Mississippi, and the use of the Canadian fisheries. Between the signing of the provisional and the signing of the definitive treaty the ministry of Lord Shelburne gave place to a coalition ministry under the Duke of Portland which brought North once more into office; but the course of the negotiations was not materially changed. The American commissioners got substantially all they had contended for (September 3, 1783).

The States had at last, moreover, a common government which could accept independence. On the 1st of March, 1781, Maryland had given her tardy assent to the Articles of Confederation, on the understanding that the States which had claims to territory in the west should as soon as possible relinquish them in favor of the newly formed government. On the 14th of January, 1784, the Congress of the Confederation, not yet two years old, ratified the treaty of peace.

A burst of heady indignation followed the publication of the terms of the treaty. It was well enough that



De Vergennes COUNT DE VERGENNES

the United States should have their independence, of course, and their proper boundaries, and that the immemorial right of their people to fish in the Canadian waters should be retained; but there were other articles

in the treaty which gave almost universal dissatisfaction. The Confederation bound itself to urge upon the States unconditional amnesty for the loyalists and a complete restoration of their estates and civil rights, and to prevent so far as possible any legal obstacles being put in the way of the collection of the debts due British merchants at the outbreak of the war. Dr. Franklin had very candidly explained to the British commissioners that the Congress of the Confederation had no power to enforce these articles: that it could only advise the States, and that they would be free to follow or to disregard its advice as they pleased; and they did disregard it entirely and even scornfully, being bent upon vouchsafing to the loyalists neither property nor rights of any kind, and upon virtually wiping out all debts owed to Englishmen.

The Confederation, in fact, furnished the country with no real government at all. The Articles explicitly reserved to each State "its sovereignty, freedom, and independence." The general Congress had, it is true, powers which made it seem like a veritable government with respect to all dealings with foreign states, in the making of war and the conclusion of peace, in the maintenance of land and naval forces for national defence, and in the raising of loans on the faith and credit of the United States. It was authorized, too, to act as absolute arbiter of disputes between the States, to establish and regulate post offices, to determine the alloy and the value of all coin struck either by its own authority or by the authority of the States, to fix the standard of weights and measures, and to regulate all dealings with the Indian tribes. But it had absolutely no power to lay taxes of any kind. It was to get its

means of support by requisition on the States,—by requests which it had no right to transmute into commands. The Confederation had no Executive but only its talkative Congress, in which the States big and



John Jay — JOHN JAY

little had an equal voice: which could decide no important matter without the concurrence of at least nine out of the thirteen little commonwealths which had but just now formed the jealous partnership. Its Congress was but a board of advice; and its advice could be ignored with impunity.

The common affairs of the country had therefore to be conducted as the revolution itself had in fact been conducted,—not by the authority or the resolutions of the Congress, but by the extraordinary activity, enterprise, and influence of a few of the leading men in the States who had union and harmonious common effort at heart. The revolution may almost be said to have been carried forward by private correspondence, —by the impulse of conviction, the urgency of argument, the clear interpretation of signs of the times, the ceaseless persuasion, planning, instigating of the letters of men like Washington, Knox, Greene, Schuyler, Hamilton, Henry, Franklin, Livingston, Madison, Jefferson, Hancock, Morris, Jay, Gadsden, the Lees, the Adamses,—a handful of men in each State who kept every one within reach of their letters or their voices reminded, in season and out of season, of the happenings, the dangers, the hopes, the difficulties, the duties of the time, stimulating those in authority, checking those in opposition, arousing those who were indifferent. This, rather than the work of formal committees of correspondence, had kept action awake and made it vital.

The Congress had talked ineffectually enough, and done nothing, at many a critical moment; had given way to the influence of petty provincial factions and listened to unworthy intrigues, while men not in its membership were carrying affairs forward without it. John Adams himself had too readily joined the silly talk of that disconcerted body when it grew impatient of Washington's "Fabian policy" in the face of overwhelming odds. "My toast," he had cried, "is a short and a violent war!" Samuel Adams, too, had seemed

once and again, in that demoralizing atmosphere of debate without action, to show only his petty gifts of management without a touch of broad or generous temper. Even Richard Henry Lee, of Virginia, had criticised the



Richard Henry Lee

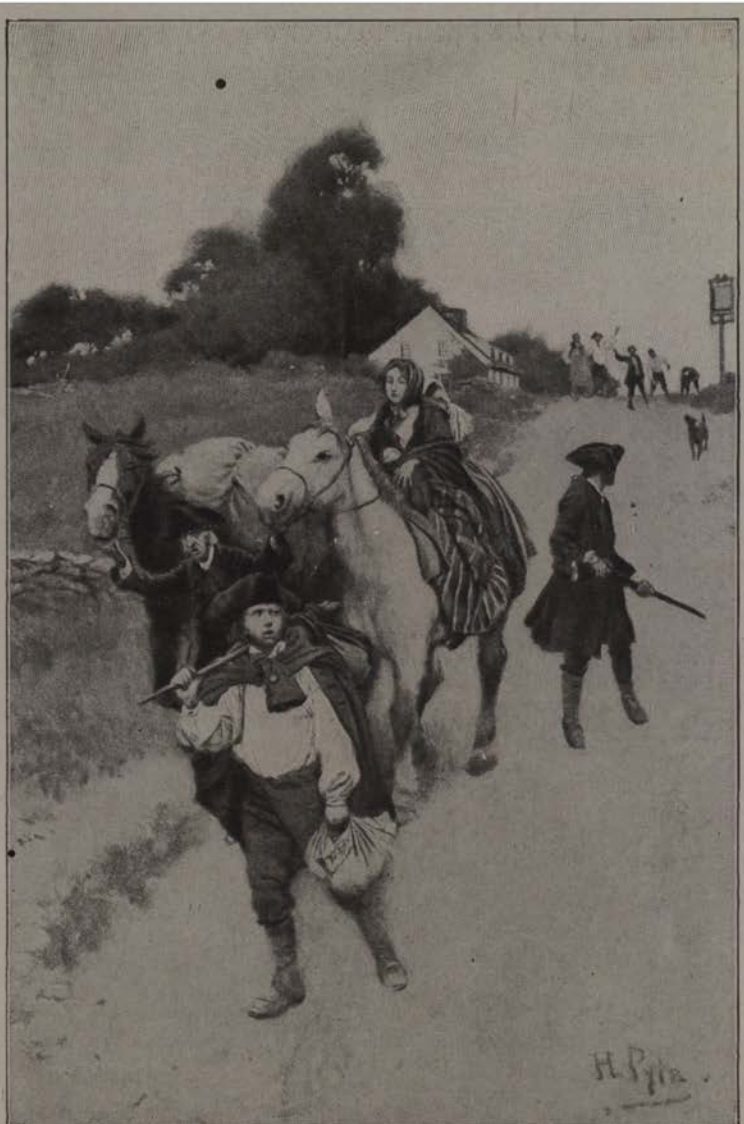
RICHARD HENRY LEE

sorely tried commander-in-chief's "delays" at the very time when Washington's letters were being hurried through the country along more lines of power than the Congress had ever had use of, persuading men and States to do what the Congress vainly suggested. The impotency, the occasional sheer imbecility, of the only com-

mon council the country yet had had been offset and made up for by the singular assiduity and faithfulness in personal effort of the real leaders of opinion in the States. The States had been remiss enough, as it was, in supplying their quotas of men and money and stores; they would have been still more remiss had not their leading spirits cried shame upon them and excited them in some measure to a performance of their duty.

When peace came it proved more difficult than ever to induce the States to act, or even seriously to take counsel, in the common interest. They had made the Confederation, but they were not interested in it. They were engaged in setting their own affairs in order after the long disquieting years of revolution and war which had brought such sad havoc upon their old-time ordinances and ways of life. Passion had run hot while the war lasted. It was not easy to put a term at once upon the license or upon the distempers which such a time had produced so rankly. Not a little poise, not a little of the sentiment of law, not a little of the solidity of tradition and the steadiness of established ways of thought and action, not a little of the conservative strength of the young communities had gone out of the country with the loyalists,—not a little of the training, the pride of reputation, the compulsion of class spirit, the loyalty and honor of a class accustomed to rule and to furnish rulers. There was an added unsteadiness in affairs because in so many places new men, and radical, were at the front in all public business.

Those who had adhered to the old order had made their way out of the revolted States in almost incredible numbers, as the issue of the war approached and became certain. Throughout the latter part of 1782 and



TORY REFUGEES ON THEIR WAY TO CANADA

all of 1783 they had poured out of the country in a veritable flight, knowing themselves proscribed and ruined, and not daring to wait for the actual evacuation of the English. Out of the southern country they made their way in ever-increasing numbers into Spanish Florida, or took ship to Bermuda or the British West Indies. Those who were within reach of Canada set out northward through the forests to seek a refuge there, following the rough, uncleared trails and the water-courses, with pack horse and boat, as in the old days of the first settlement of the continent out of Europe, abandoning home and property to escape contumely and the unspeakable hardship of being outlawed and hated in the communities of their own birth and breeding. Thousands upon thousands crowded to New York to seek the shelter of the British arms. It was the 25th of November, 1783, before Sir Guy Carleton could effect the final evacuation of the city, so great and so troublesome was the pitiful company of refugees for which he felt himself obliged in mere compassion to provide protection and transportation. More than twenty-nine thousand refugees (including three thousand negroes) left the State of New York alone, for Canada, during that confused and anxious year 1783.

Most of these had taken no active part in the struggle which had rendered them homeless. Almost without exception they had been, in opinion, as thoroughly opposed as their neighbors to the policy of the King and Parliament towards the colonies. But they had not been willing to go the ugly length of rebellion and of outright separation from England. When it came to the final breach, some of them had become not merely passive but active opponents of revolution and indepen-

dence. The more partisan had taken up arms for the King. First and last, during the five years of the fighting, there had been no fewer than twenty-five thousand loyalists enlisted in the British service. At one time (1779) they had actually outnumbered the whole



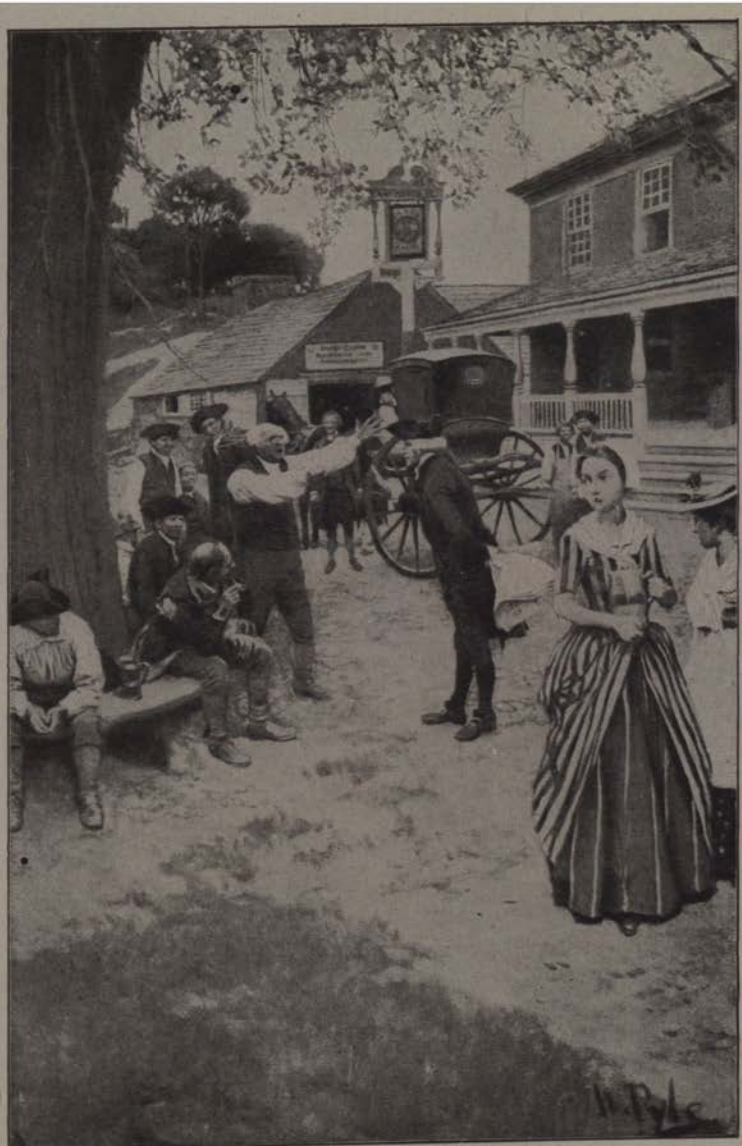
MOUNT VERNON

of the continental muster under the personal command of Washington. Most of those, however, who would not join the patriot party had been quiet non-combatants, and had been opponents of the revolution only in opinion. When the war was over the men who spoke the mind of the majority and who accordingly controlled

policy in the new States refused to make any distinction between those who had taken up arms and those who had not. In their eyes they were all alike "Tories" and traitors; and many an excess of persecution and spoliation, many a wanton insult, many an act of mere vengeance darkened the years which immediately followed the war;—increasing the bands of exiles and adding in an incalculable measure to the bitterness which was throughout generations to mark the feeling of Canadians for their southern neighbors.

It was but human nature that it should be so. No one could wonder that civil war had brought these too familiar things in its train. The bitterest words of the great Washington himself were uttered against the Tories. Even with his splendid moderation and poise of mind, he could not find it in his heart to forgive the men who had seemed to fill every country-side his army entered with intrigue and threat of treason to the cause he had given his life to. The best Virginians had chosen as he had chosen: he could not imagine how good men or true patriots anywhere could choose otherwise. It was part of the almost universal demoralization produced by the war that every sentiment should now exhibit its excess, every reaction prove dangerously violent. There was everywhere a sort of moral exhaustion; a relaxation of the very principles of just and temperate government which the war had been fought to vindicate; a loss of tone, an access of perilous agitation.

The war had brought many things in its train calculated to work distress and to throw both morals and business into confusion. For one thing, it had saddled the country with an almost incalculable burden



A POLITICAL DISCUSSION

of debt. The individual States, the general Congress, towns, private persons even, had strained their credit to the utmost to meet the engagements and defray the expenses of a season during which business was oftentimes quite suspended and the ordinary sources of income absolutely dried up. The States and the Congress alike had resorted to the demoralizing expedient of issuing paper money which they could not redeem. Its bulk had, of course, increased from year to year, and its value had as rapidly declined. The continental money in particular had fallen so in value that the com-

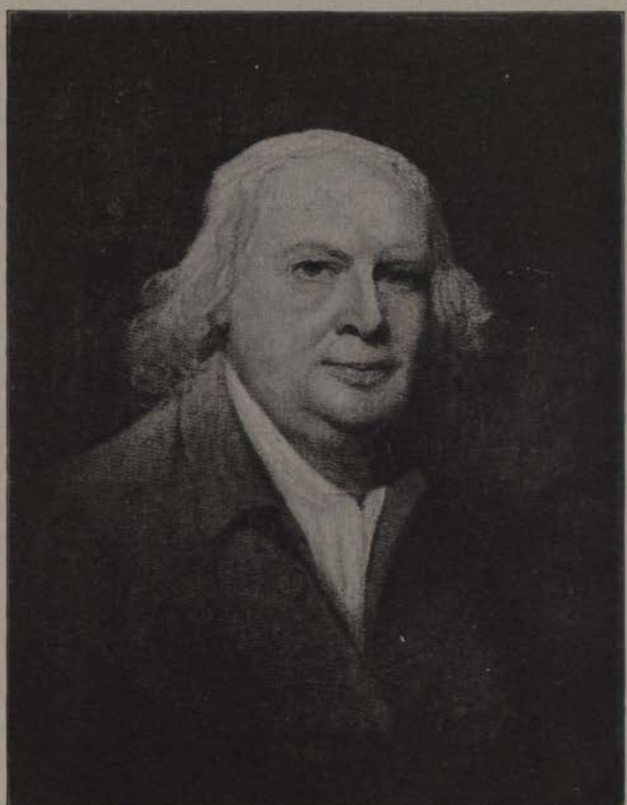


GENERAL GEORGE WASHINGTON'S COACH AND FOUR

modity must have been valueless indeed which fell under the reproach of being "not worth a continental."

It was the good fortune of the Confederation to have Robert Morris, one of the most distinguished, honorable, and successful merchants of Philadelphia, in charge of its treasury during the critical years of the final reckonings of the war (May, 1781, to April, 1785),—a man who had large means to pledge and who would pledge them to the last farthing to raise a sum of money upon an exigency, as Washington had done for the pay of his troops before Trenton. Mr. Morris had himself supplied almost everything that was needed for the victorious campaign which culminated at Yorktown, borrowing twenty thousand dollars in gold of Count

de Rochambeau, upon his personal credit, to do it. But even Morris, trained merchant and financier that



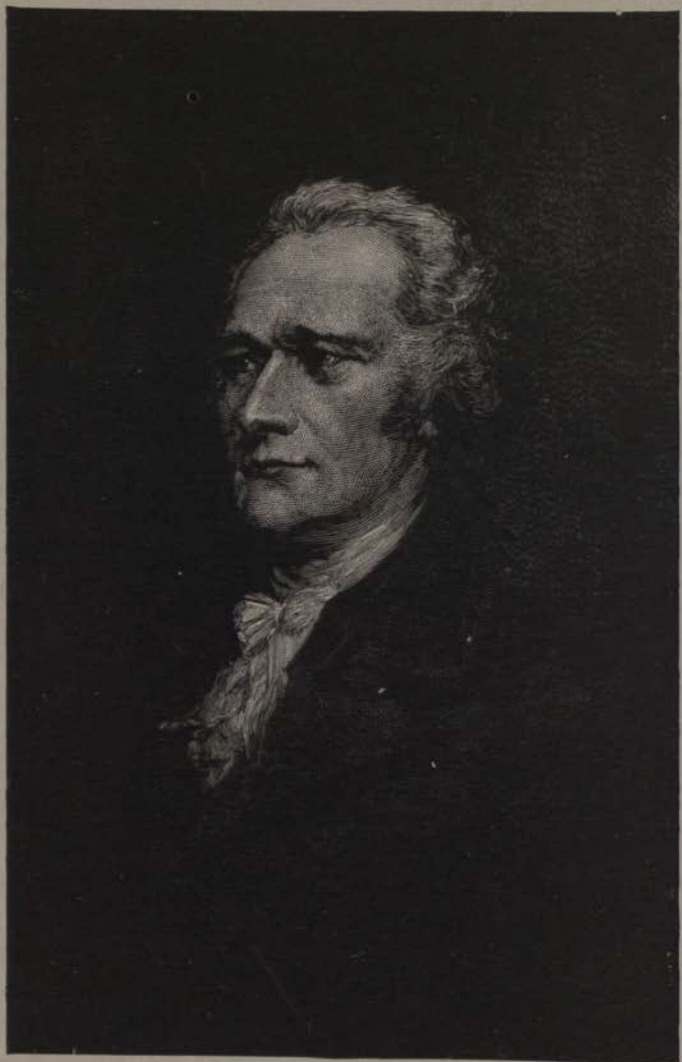
ROBERT MORRIS

he was, could not make something out of nothing. The States would not tax their people for the support of the Confederation. It took eighteen months to collect one-fifth of the taxes assigned them in 1783. They

neglected, sometimes even bluntly refused, to pay so much as their allotted shares of the interest on the national debt. The Confederation could not, of course, borrow under such circumstances. It was threatened with a mere unhonored lapse of all its powers and even of its very existence, for want alike of respect and support. The war had cost the Confederation more than ninety-two million dollars, reckoned in specie. France alone had spent sixty millions for America in loans and the support of armies. The States had added an expenditure of quite twenty-one millions more out of their own treasuries or their own credit. No wonder the men in responsible charge of public affairs in America rejected with a touch of bitter passion the demand of the treaty of peace, that they should, in addition to all this, restore to the loyalists the property they had lost, and pay to British merchants debts which antedated the war.[1]

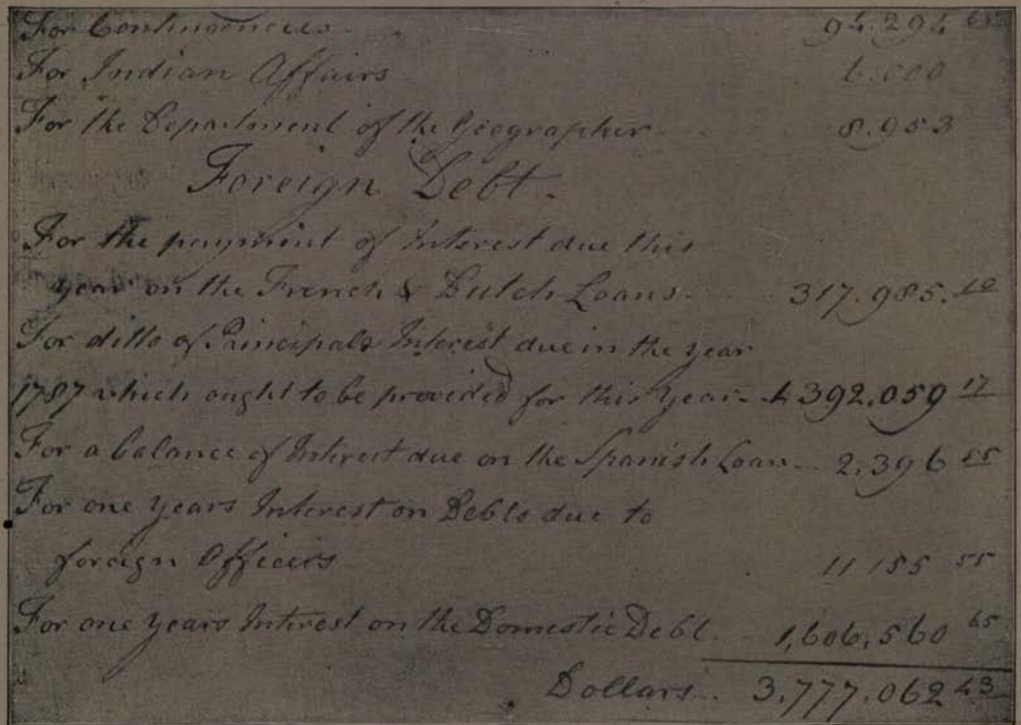
Trade, apparently, could not recover from the blow it had received by reason of the long continuance of hostilities. It was likely to be worse, indeed, now that the war was over, than it had been while the war lasted. While the war lasted ship owners could at least use their craft as privateers, to bring in cargoes not consigned to them. Seamen had found infinitely more adventure and not much less profit in their profession during those lawless years than formerly. But when peace came the ports of the British West Indies, once open to them, became foreign ports and were closed against them. Productive industry had too long stood still and there was little or nothing to sell in exchange for the English goods every one needed and all bought who could. A war of tariffs succeeded the war of arms,

[1] See page 230.



A Hamilton

ALEXANDER HAMILTON



For Commissaries — 94.294 62
For Indian Affairs — 6.000
For the Department of the Geographer — 8.953

Foreign Debt.

For the payment of Interest due this year on the French & Dutch Loans — 317.985. 20
For dito of Principals Interest due in the year 1787 which ought to be provided for this year — 1392.059 17
For a Balance of Interest due on the Spanish Loan — 2,396 25
For one years Interest on Debts due to foreign Officers — 11 185 55
For one years Interest on the Domestic Debt — 1,606,560 65

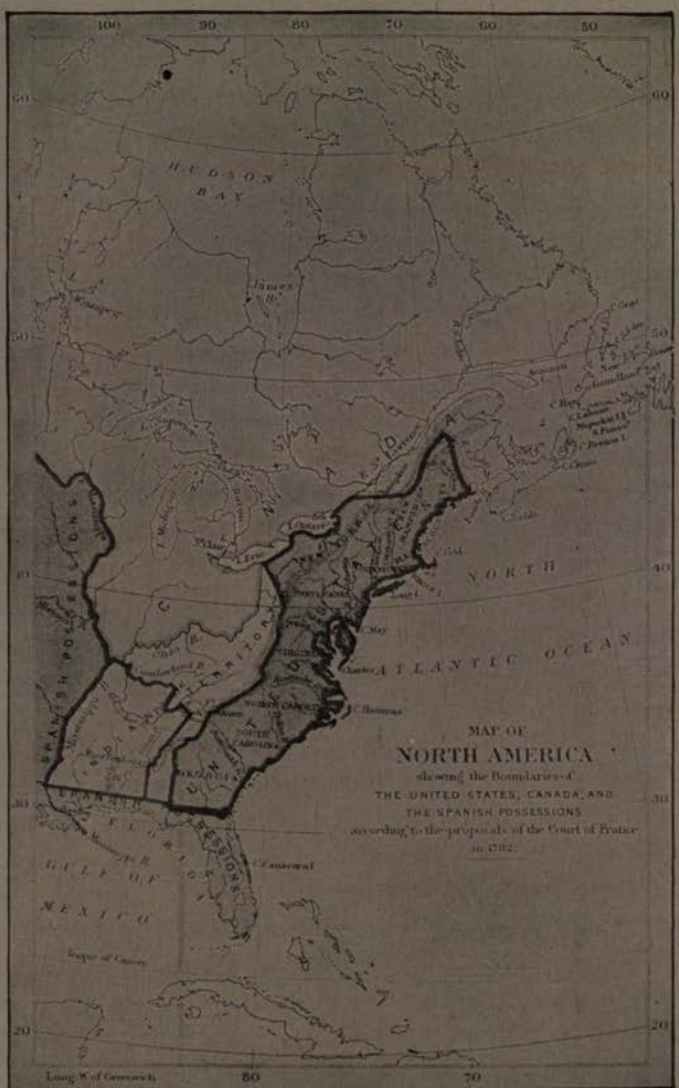
Dollars — 3,777.062 43

FACSIMILE OF CONTINENTAL BUDGET, 1786

—a war in which each State acted for itself. The Congress of the Confederation could not regulate trade,—that was not one of its powers. It could arrange no national policy. It could neither retaliate upon foreign governments nor make bargains of reciprocity with them. Each State studied its own interest and knew not how to advance even that successfully. American commerce had everywhere the worst of it.

It had been one of the unhappy omens of the time that the Confederation had had to reckon the disbandment of its own army one of the most serious difficulties attending the establishment of peace, and had had reason to feel relieved when it had at last got rid of it. During those last tedious months which intervened between the surrender at Yorktown and the formal conclusion of peace the idle soldiers had felt, more keenly even than in days of movement and war, the constant privations to which they were subjected. There had been times when some of them had been obliged to keep all day within their tents because absolutely without clothes to wear in which they could decently walk abroad. Their pay was almost never forthcoming; and they thought from time to time that they had good reason to suspect that the Congress meant to disband them and send them home without it. Their very idleness fostered an ill humor among them, for there was nothing but their very bitter grievances to think about. The neglect they suffered naturally seemed to them an intolerable indignity; and they broke here and there into actual mutiny, their officers hardly restraining them.

Their officers, indeed, went, some of them, a little beyond mutiny, to the borders of treason, at any rate



MAP OF NORTH AMERICA IN 1782

in their wish and purpose. In the spring of 1782 a letter from one of the most respected and trusted of his officers had intimated to Washington the willingness of the army to make him king,[1] master of the country, dictator,—anything he would,—in order that the futile government of a group of petty republics might give place at least to order and efficiency. Washington's reply had run hot in every sentence with scornful indignation that any one should dare to deem him capable of proving himself a traitor and an adventurer; but it had been reported from his camp ere the year ended that he was steadily losing his hold upon the affection of the army by the harshness with which he acted against everything that looked like a breach either of law or of discipline in bringing the army's claims to the attention of the Congress or of the States. In the spring of 1783 there was a movement among his officers to force their claims upon the Congress which it required every gift of wise control and patient persuasion he was master of to hold back from lawlessness and open disloyalty. It was with no small sense of relief, therefore, that the country witnessed at last the peaceful disbandment of the troops (November 5, 1783). The Congress had, happily, in the end been able to satisfy them, at any rate in part, in the matter of their pay; and had not waited even for the evacuation of New York by the British (November 25, 1783) to get them safely dispersed to their homes.

Here our general *authorities* are the sixth volume of Bancroft and his *History of the Constitution;* the third volume of Hildreth; the first volume of George Tucker's *History of the United States;* the fourth volume of Bryant and Gay's *Popular History of the United States;* John Fiske's *Critical Period of American History;* George Ticknor Curtis's *History of the Origin, Formation, and*

[1] See pages 213, 216.

Adoption of the Constitution, and *The Constitution of the United States and its History,* in the seventh volume of Winsor's *Narrative and Critical History of America;* Justin Winsor's *The Confederation, 1781–1789,* in the same volume of Winsor; the fourth volume of W. E. H. Lecky's *History of England in the Eighteenth Century;* the first volume of John Bach McMaster's *History of the People of the United States;* James Kent's *Commentaries on American Law;* and Joseph Story's *Commentaries on the Constitution of the United States.*

The *sources* for the period are to be found, as before, in the published *Works,* letters, and correspondence of the leading characters of the time on both sides the water, especially in such intimate views of affairs as are to be found in Thomas Jefferson's *Notes on Virginia* and in Madison's *Notes* in the *Madison Papers;* the *Journals of Congress* and the *Secret Journals of Congress;* Jonathan Elliot's *Debates on the Federal Constitution,* including the Madison Papers; Noah Webster's *Sketches of American Policy;* Pelatiah Webster's *Dissertation on the Political Union;* and Brissot de Warville's *Examen Critique* (1784) and *New Travels in the United States, performed in 1788.*

CHAPTER II

FOUNDING A FEDERAL GOVERNMENT[1]

THE army disbanded and peace made, the chief business of the Confederation seemed concluded. The Articles which had given it a formal constitution had done little more than impart form and explicit sanction to the familiar functions which the Congress had for seven years exercised without them, and the exigency and occasion for the exercise of those functions seemed now gone by. Now that the war was over, the Confederation seemed to lack its old-time reason for being, and yet to have found no new reason, no new service to justify its existence and give it authority. It was still too much like an occasional body; still without powers suitable for seasons of peace and the ordinary courses of government: without administrative authority, without governmental efficacy, — a mere board of advice about things which had ceased to be interesting. All real vigor, all quick interest and vital ambition, all initiative and effective purpose centred in the several States. They alone had individuality and political power. The treaty of peace gave "the United States" vast territories which spread at large upon the map like a great empire; but it was an empire without organization, left to be ruled and peopled, as the States themselves had been, by the concert and initiative of pioneers and of sin-

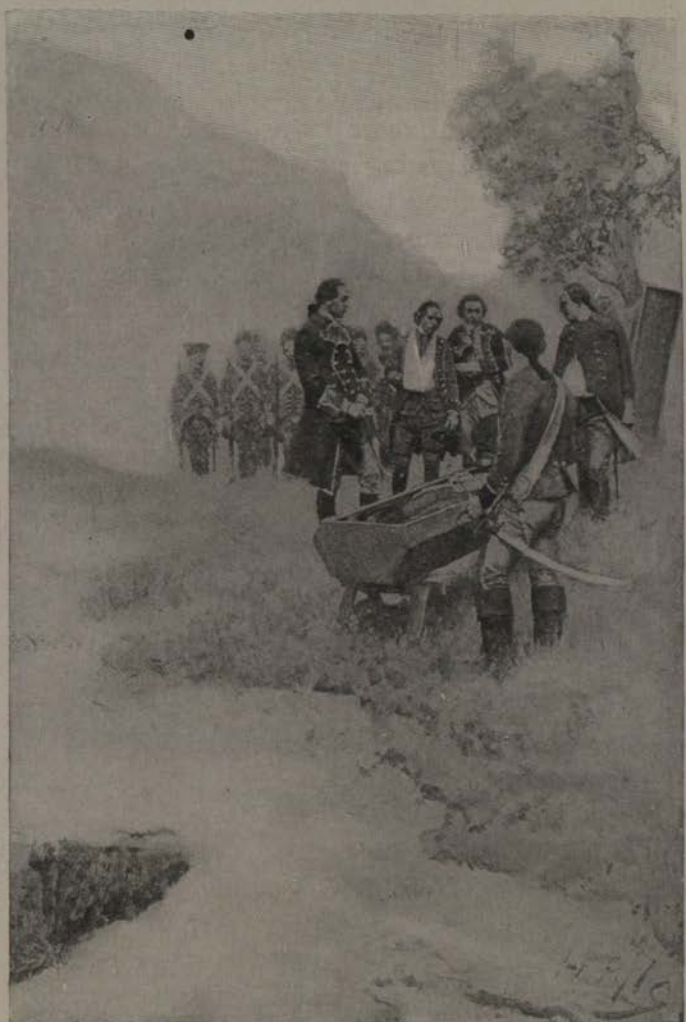
[1] See page 244.



ALONG THE WATER FRONT, NEW YORK, ABOUT 1780

gle individuals who knew how to organize and how to lead. The enterprise of settlement did not lag. The masterful advance over the mountains and out upon the great slopes and into the fertile valleys which stretched, green and forested, to the far Mississippi had begun before the revolution itself, and sprang forward in trebled volume when war was done. It gave the young republic the early growing pains by which it got its first self-consciousness and its introduction to international difficulties. But it did not give it the organization, the centred authority, the coherent force necessary to its poise and conduct as a nation.

Migration into the West had been given its first impulse by the treaty of 1763, which closed the war with France and gave to the English all that the French had claimed east of the Mississippi. The war for independence had checked it for a little, but only for a little. It thronged forward again the moment the anxious strain of the fighting was off. Northwestward along the valleys of the Mohawk and the Delaware into the land of the Iroquois which Sullivan had harried,—where Sir William Johnson had reigned in days gone by over red men and white; straight towards the heart of the West along the upper courses of the Potomac, through the difficult country through which Braddock had gone his blundering way, to Fort Pitt and the lands by the Ohio; through the long forests to the fair Kentucky; down the valleys opened by the spreading tributaries of the Tennessee, and through the forests beyond to the Cumberland, whither the men who had ridden the passes to King's Mountain had shown the way; around the southern end of the great Appalachians to the plains by the Gulf,—wherever



Washington Gage Gates

THE BURIAL OF BRADDOCK

the mountains opened or a way could be made, ever-increasing bands of emigrants essayed the long journey every open season, seeking new homes at the heart of the lands where once the French had had their posts and garrisons,—until there began to be communities beyond the mountains big enough to count in affairs: communities in whose behalf peace and government must be provided, and a way of intercourse and sympathy between East and West to which the great mountain ranges should be no effectual barrier. The war itself had not stopped this eager journeying into the West. The savage tribes upon those borders, north and south, found themselves checked and beaten, not by any sudden onset of armed men, but by this crowding in of the indomitable white man, this thickening of his stubborn, ineradicable settlements upon the western streams, the coveted hunting grounds.

Washington had seen the gates of that new world when, as a mere boy, he had acted as surveyor of Lord Fairfax's estates within the valley of the Shenandoah; when, as a youth, he carried Dinwiddie's warning to the French at fort Le Bœuf, ere they made themselves masters at the forks of the Ohio; and again when he went with unhappy Braddock against Duquesne. He saw more vividly than most men what this new movement of population meant, and must bring to pass in the future. When he had written his farewell to the army from his headquarters at Rocky Hill (November 2, 1783), had embraced his officers and comrades in arms in a last, affectionate leave taking at Fraunce's Tavern in New York (December 4th), and had delivered up his commission to the Congress sitting at Annapolis (December 23d), he turned for a little respite to his

home at Mount Vernon, to which these long years through his thoughts had reverted with an ever-increasing longing; but the very next year saw him over the mountains again, observing what lands were to be had there, and studying once more the best means of communication between East and West. The pri-



FRAUNCE'S TAVERN IN 1783

mary object of his visit was to procure good lands for himself and for old comrades who had made him their agent and adviser in that matter, but his statesman's eye apprised him of the full meaning of the new migration now afoot along all the western border.

For one thing, he saw how serious a situation it might prove should this body of settlers, sure to grow greater and more masterful from year to year, continue for very

To his Excellency George Washington Esquire General and Commander in Chief of the Armies of the United States of America ——

The Address of the Citizens of New York, who have returned from Exile, on behalf of themselves and their suffering Brethren ——

Sir

At a moment when the arm of Tyranny is Yielding up its fondest usurpations: we hope the Salutations of long suffering Exiles but now happy freemen, will not be deemed an unworthy tribute. — In this place, and at this moment of exultation and triumph, while the Ensigns of Slavery still linger in our sight, we look up to you our deliverer with unusual transports of Gratitude and Joy. — Permit us to Welcome you to this City, long torn from us by the hard hand of Oppression, but now, by your Wisdom and energy, under the guidance of Providence once more the seat of Peace and freedom; we forbear to speak our gratitude or your Praise we should but echo the voice of Applauding Millions; But the Citizens of New York are eminently indebted to your virtues and we who have now the honour to address your Excellency, have been often companions of your sufferings, and witnesses of your exertions. Permit us therefore to approach your Excellency with the dignity and Sincerity of freemen, and to

Assure you, that we shall preserve with our latest breath
our Gratitude for your Services, and Veneration for your Cha=
=racter; and accept of our sincere and earnest Wishes
that you may long injoy that calm domestic felicity which
you have so generously sacrificed, that the Cries of Injur=
=ed Liberty may never more interrupt your repose, and
that your happiness may be equal to your Virtues —

Signed at request of the Meeting —

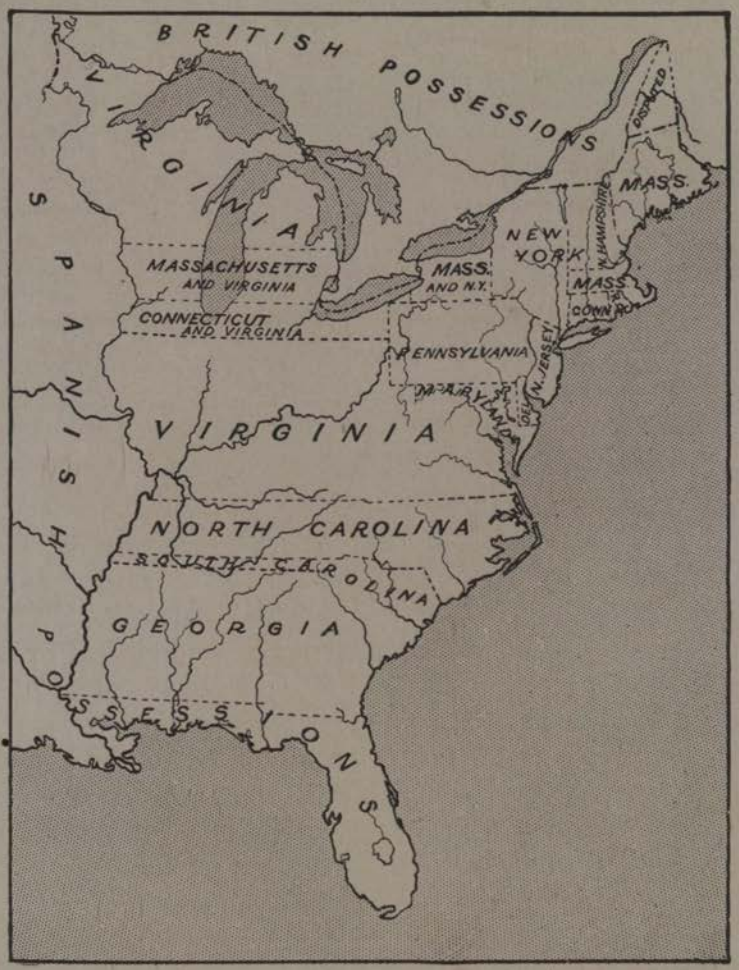
Thomas Randall
Dan.l Phoenix -
Sam.l Broome
Tho.s Tucker —
Henry Kipp -
Pat. Dennis
Wm Gilbert Jen.r
Wm Gilbert Jun.r
Francis Van Dyck
Jeremiah Wool -
Geo Janeway
Abra.m P. Lott
Ephraim Brasher -

New York Nov.r 26: 1783 —

long to look back upon almost impenetrable mountains piled between them and the eastern ports and highways. Their natural outlet, when once the mountains were well behind them, would be the Mississippi, their natural highways the streams which ran to the Gulf. It was possible they might see their chief advantage in a connection with the Spaniards at New Orleans rather than with the wellnigh inaccessible eastern settlements on the Atlantic seaboard,—or even with the English again by the highway of the lakes and the St. Lawrence. "The western settlers," he declared, "stand as it were upon a pivot. The touch of a feather would turn them any way." He returned home to push again with renewed vigor the project which for now twenty years he had had at heart, and which had in these new days of independence, as it seemed to him, become a sheer political necessity,—the opening of the upper reaches of the Potomac to navigation, in order that the East might there at any rate be linked with the West, by joining the waters of the Potomac with the streams which ran down into the Ohio. This had been part of the plans of the old Ohio Company of which the Washingtons and the Fairfaxes had been members. The revolution had interrupted its plans; there was now added reason for renewing them.

[1]In the old days the lands about the Ohio had been deemed part of Virginia's domain. Almost every State upon the seaboard had had at the first a grant from the crown which read as if it had been meant to set no boundaries at the west at all except the boundaries of the continent itself; and Virginia's grant was the oldest of them all. Virginia claimed practically all the western country which lay north of her own southern line ex-

[1] See page 196.



MAP OF THE UNITED STATES, 1783

tended, under the terms of her charter of 1609, which defined her territory as running from her boundaries at the sea-coast "up into the land throughout from sea to sea, west and northwest." But the other colonies as they were formed had also received charters which had a straight westward outlook, practically without bound or limit this side of the Pacific; and each laid confident claim to its own long western strip of the continent. It was in part to quiet these conflicting claims, in part to give herself, who had no grant at all at the west, some parity with her partners in the Confederation, that Maryland had insisted, as a condition precedent to her acceptance of the articles, that all the western territory be ceded to the Confederation itself, as a joint and common property to be held for the use and benefit of all. New York, accordingly, had ceded her claims in 1781; and Virginia so much of hers as lay north of the Ohio, in 1783.[1] The other States were virtually pledged to follow their example. The West was already practically common property. Whatever should be done to bind it to the East would bring so much nearer the promised dawn of a national life.

It was a noteworthy thing, too, how every one seemed to take it for granted that the Congress of the Confederation had the right to accept these gifts and act as a veritable sovereign in the government of a national domain, notwithstanding the Articles vouchsafed it no grant of power in the matter, and in everything else its authority, though explicitly granted, had fallen into contempt. Whatever the States might do in the administration of their own affairs and the government of their own people, a national domain meant a national government. Its very existence put another face upon affairs. It could

[1] See page 207.



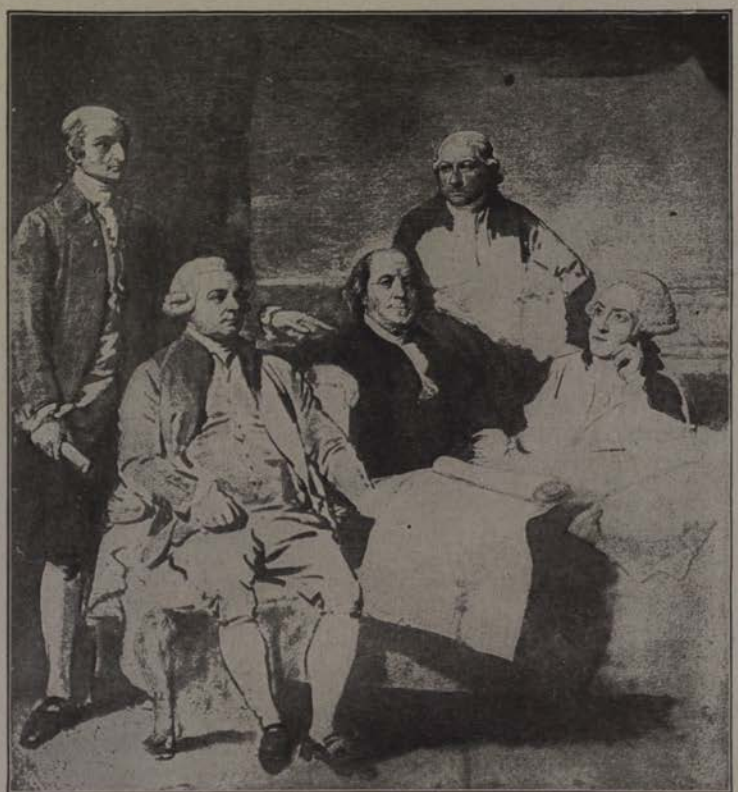
THE UNITED STATES, 1783.

SHOWING CLAIMS OF THE STATES.

not be redivided. The States had put it, a practically impassable barrier, between them and separation. Maryland had builded better than she knew.

Already the western settlers were showing themselves, by not a little heady wilfulness, to be of the same stock that had made the original colonies first strong and then independent. In its April session, 1784, the legislature of North Carolina had followed the example of New York and Virginia by ceding to the general government her lands beyond the mountains. It committed the blunder, however, of making the grant contingent upon its acceptance by Congress, which might have been taken for granted, and of making no specific provision in the mean time for the government of the very flourishing and very mettlesome little group of pioneer settlements which John Sevier and James Robertson had helped to plant upon the upland streams which ran beyond the mountains into the Tennessee. These promptly concluded that, if they were not governed by North Carolina and had not yet been taken under the care and government of the Confederation, they were their own masters, and proceeded to erect for themselves an independent State, which they called "Franklin," after the genial wit and philosopher at Philadelphia. When North Carolina thereupon rescinded her act of cession, in order to win them back to her dominion, they refused to be reannexed. It was a sign of the times, a taste of that western quality which the nation's affairs were often to smack of.

The whole country caught the flavor of that quality when Mr. Jay proposed to relinquish the navigation of the Mississippi for a generation to Spain, in return for certain commercial advantages greatly desired at the



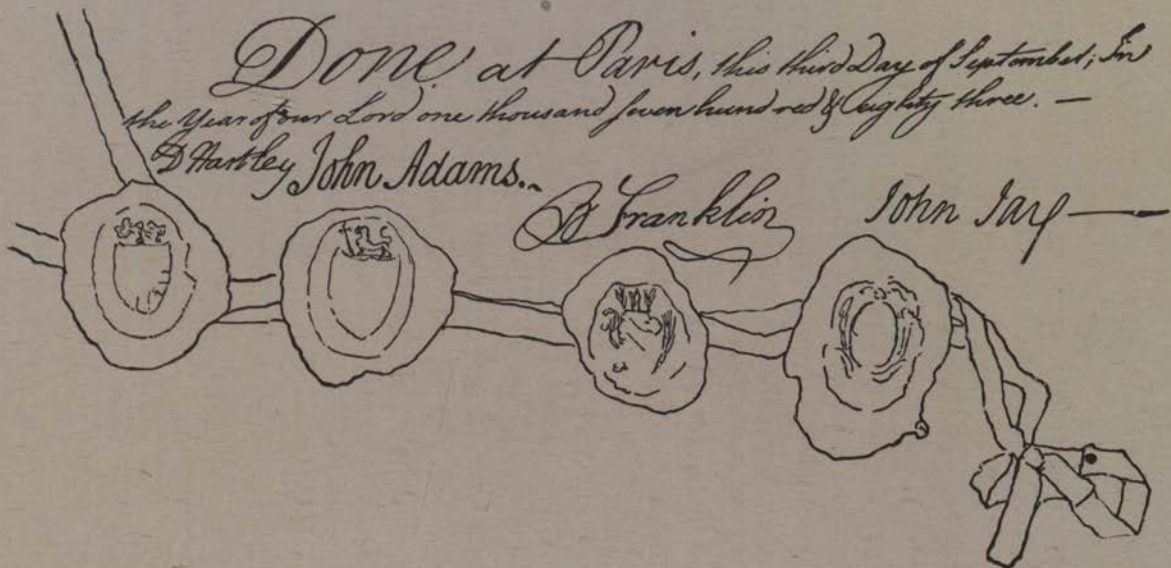
UNFINISHED PORTRAITS OF THE SIGNERS OF THE TREATY OF PARIS, 1783

Atlantic seaports.[1] Spain had already shown an ugly temper with regard to the use of the river, whose outlet she controlled. She had seized merchandise passing down towards its mouth. She had instigated Indian raids against the new-made settlements on the Cumberland, which crowded too near its course. Mr. Jay had been one of the commissioners through whom the United States had got their western boundary at the Mississippi and their grant of the right to use the great

[1] See page 344.

stream, at the making of the treaties of peace; and he knew how difficult a thing it had been to force Spain backward to that boundary. But he had not seen that rising tide of emigration now pouring into the West; had not imagined the empire making there, the homes already established, the toil and success already achieved. He thought that there would probably be no occasion to use the Mississippi for twenty-five or thirty years yet to come. He proposed, therefore, in 1785, when Congress had made him its Secretary of Foreign Affairs and had bidden him negotiate a treaty of commerce with Don Diego Gardoqui, the newly arrived representative of Spain, to surrender the navigation of the lower Mississippi, which he thought was not needed, for a term of twenty-five years in exchange for commercial advantages which would redound to the profit of the merchants of the shipping colonies, together with certain concessions with regard to land claims in the West which were likely to please the people of the South. The instant cry of hot protest that came out of the West apprised eastern politicians of the new world a-making there, the new frontiers of the nation. The proposed treaty was not adopted.

It was hard for men in the East to realize how fast settlers were multiplying and their settlements growing to the stature of States beyond the mountains, where only the other day there had been nothing but unbroken wilderness,—faster a great deal than the original colonies themselves had grown. So early as 1784 the settlers in the Kentucky country deemed themselves numerous and independent enough to be detached from Virginia and set up as one of the States of the Confederation. When rumors reached them of what Mr. Jay


Done at Paris, this third Day of September, in
the Year of our Lord one thousand seven hundred & eighty three. —
D. Hartley
John Adams
B. Franklin
John Jay

FACSIMILES OF SIGNATURES TO TREATY OF PEACE

proposed some of the bolder spirits among them negotiated in their own behoof a private treaty of commerce with the Spanish at New Orleans. When Virginia interposed delays and difficulties in the way of their plan to become a State, they listened very indulgently to certain lawless men who proposed that they make some stroke for entire independence. There was talk of the British at the North helping them to seize Spain's possessions beyond the river by force of arms and drive Spain from the continent. No man knew what might happen there, should counsels of revolution prevail.

No disquieting rumor or untoward prospect of new wars for independence in the West at all restrained the steady flood of emigration the while. In March, 1786, a new Ohio Company was formed in Boston for the active furtherance of the settlement of the western country. Soldiers of the revolution officered it and in large part made up its membership. The money script of the Confederation was bought up and used for the purchase of land in the new public domain. Subscriptions and systematic corporate action began to make the settlement of the Ohio country an enterprise of forethought and associated effort, like the settlement of the first colonies themselves.

The whole country was witness, the while, to the need for a real government, instead of a mere advisory Congress, to bind the inchoate nation together in a more than makeshift union. Every disorder, every difficulty but made this need the more pressing and the more painfully evident; and difficulties and disorders multiplied fast enough,—in the East as well as in the West. No hope of national achievement, no ideal of independence or of power could be fulfilled while the very organ-

ization of the nation stood thus formless and dissolved. "There is scarcely anything that can wound the pride or degrade the character of an independent nation," cried Mr. Hamilton, "which we do not experience." Efforts were made to secure for the Congress the right to lay and collect taxes, in order that at least its existence and such powers as it already had should not be at every turn dependent upon the attitude and action of the several States; but the States were not willing to increase its authority so much. In 1786 they were asked to intrust to the Congress at least the collection and use of a revenue laid upon imports; and so plain had both the necessity and the propriety of such an addition to its efficiency by that time become that all of the States except New York consented. But it required the unanimous consent of the States to amend the Articles of Confederation, and New York's refusal set even this aside. New York had no mind to relinquish the duties which she collected for herself at her great port,—not only upon foreign commerce but also upon goods brought out of the other States, her neighbors: on farm produce and garden-truck from New Jersey and firewood from Connecticut,—making her spreading harbor a veritable toll-gate.

There was in all this one of the most serious signs of the times. The States indulged to the top of their bent a petty hostility towards each other. New York was by no means the only State that laid duties on merchandise brought in from the farms and shops of her neighbors. There was everywhere the same jealous spirit, the same striving for every paltry advantage, the same alert and aggressive selfishness; and the more the States deemed their interests antagonistic the more like a mere rope of

By the KING.

A PROCLAMATION,

Declaring the Ceſſation of Arms, as well by Sea as Land, agreed upon between His Majeſty, the Moſt Chriſtian King, the King of *Spain*, the States General of the *United Provinces*, and the United States of *America*, and enjoining the Obſervance thereof.

GEORGE *R.*

WHEREAS Proviſional Articles were ſigned at *Paris*, on the Thirtieth Day of *November* laſt, between Our Commiſſioner for treating of Peace with the Commiſſioners of the United States of *America*, and the Commiſſioners of the ſaid States, to be inſerted in and to conſtitute the Treaty of Peace propoſed to be concluded between Us and the ſaid United States, when Terms of Peace ſhould be agreed upon between Us and His Moſt Chriſtian Majeſty: And whereas Preliminaries for reſtoring Peace between Us and His Moſt Chriſtian Majeſty, were ſigned at *Verſailles* on the Twentieth Day of *January* laſt, by the Miniſters of Us and the Moſt Chriſtian King. And whereas Preliminaries for reſtoring Peace between Us and the King of *Spain*, were alſo ſigned at *Verſailles*, on the Twentieth Day of *January* laſt, between the Miniſters of Us and the King of *Spain*: And whereas, for putting an End to the Calamity of War as ſoon and as far as may be poſſible, it hath been agreed between Us, His Moſt Chriſtian Majeſty, the King of *Spain*, the States-General of the *United Provinces*, and the United States of *America*, as follows; that is to ſay,

THAT ſuch Veſſels and Effects as ſhould be taken in the *Channel* and in the *North Seas*, after the Space of Twelve Days, to be computed from the Ratification of the ſaid Preliminary Articles, ſhould be reſtored on all Sides; That the Term ſhould be One Month from the *Channel* and the *North Seas* as far as the *Canary Iſlands* incluſively, whether in the Ocean or in the *Mediterranean*; Two Months from the ſaid *Canary Iſlands* as far as the Equinoctial Line or Equator; and laſtly, Five Months in all other Parts of the World, without any Exception, or any other more particular Deſcription of Time or Place.

AND whereas the Ratifications of the ſaid Preliminary Articles between Us and the Moſt Chriſtian King, in due Form, were exchanged by the Miniſters of Us and of the Moſt Chriſtian King, on the Third Day of this inſtant *February*; and the Ratifications of the ſaid Preliminary Articles between Us and the King of *Spain*, were exchanged between the Miniſters of Us and of the King of *Spain*, on the Ninth Day of this inſtant *February*; from which Days reſpectively the ſeveral Terms above-mentioned, of Twelve Days, of One Month, of Two Months, and of Five Months, are to be computed: And whereas it is Our Royal Will and Pleaſure that the Ceſſation of Hoſtilities between Us and the States General of the *United Provinces*, and the United States of *America*, ſhould be agreeable to the Epochs fixed between Us and the Moſt Chriſtian King:

WE have thought fit, by and with the Advice of Our Privy Council, to notify the ſame to all Our loving Subjects; and We do declare, that Our Royal Will and Pleaſure is, and we do hereby ſtrictly charge and command all Our Officers, both at Sea and Land, and all other Our Subjects whatſoever, to forbear all Acts of Hoſtility, either by Sea or Land, againſt His Moſt Chriſtian Majeſty, the King of *Spain*, the States General of the *United Provinces*, and the United States of *America*, their Vaſſals or Subjects, from and after the reſpective Times above-mentioned, and under the Penalty of incurring Our higheſt Diſpleaſure.

Given at Our Court at St. James's, *the Fourteenth Day of* February, *in the Twenty-third Year of Our Reign, and in the Year of Our Lord One Thouſand, Seven Hundred and Eighty-three.*

GOD ſave the KING.

ROYAL PROCLAMATION OF CESSATION OF HOSTILITIES

sand did the Confederation become. "We are either a united people, or we are not," exclaimed Washington. "If the former, let us in all matters of general concern act as a nation which has a national character to support; if we are not, let us no longer act a farce by pretending to it." England, apparently, expected the weak structure presently to fall to pieces. She would not withdraw her troops from the western posts because the debts of British merchants were not paid and the property rights of the exiled Tories were not restored. Neither would she send a diplomatic representative to America, seeming to regard the Confederation as of no international importance. France and Spain and Holland, seeing the Confederation utterly unable to repay the moneys they had loaned it, scarcely able to pay so much as the interest on its debts, alternated between anger and contempt in their treatment of it; and confidently expected to see it very soon in ruinous collapse and final disintegration. France and Spain were somewhat hopefully wondering, it was evident, what the spoils and plunder of the wreck would be, and to whom it would fall to do the plundering.

Each year seemed to emphasize by new disorders the increasing need for the wholesome restraints and discipline of a common government. In the autumn of 1786 actual armed rebellion capped Massachusetts' struggles against slack trade, heavy taxes, burdensome debts, and discontented farmers,—a debtors' rebellion. Captain Daniel Shays, a veteran of the fight at Bunker Hill, a captain of the revolutionary army, was its foremost figure. Mobs in the inland counties of the State and in the towns by the Connecticut closed the courts, to prevent the collection of debts. Local con-



SHAYS'S MOB IN POSSESSION OF THE COURT HOUSE

ventions, called to discuss the grievous circumstances and distresses of the time, broke up in riot. By the time winter had come Captain Shays had not scrupled to put himself at the head of a riotous muster which had the proportions of a veritable army. James Bowdoin was governor of Massachusetts, a man of probity who knew his duty and did not disrelish the performance of it. There was no mistaking the issue. "My boys," one of the leaders of the insurrection had cried, "you are going to fight for liberty. If you wish to know what liberty is, I will tell you. It is for every man to do what he pleases, to make other folks do as you please to have them, and to keep folks from serving the devil." It was flat anarchy. The treasury of the State was empty, but a hastily equipped force of militia under General Lincoln, paid for by a temporary loan raised by a few patriotic citizens, dispersed the rebels and restored the authority of the government. It was an ominous thing, nevertheless, to see how the people of the State sympathized with the rebels. They would not have Bowdoin for governor again, deeming him too harsh. Rhode Island passed resolutions of sympathy for the rebels and Vermont offered them refuge. Leaders of the rebel force were captured and convicted, but no one dreamed of venturing to execute upon them the penalty denounced by the law against what they had done. The rebellion had plainly been a symptom, not an isolated or singular thing. It had been extraordinary only in its violence.

Disorders like these were for the mass of men, who did not see the significance of signs less gross and tangible, the best possible evidence of the sore straits the country was in to maintain even so much as its local



Lafayette

LAFAYETTE

governments and its respect for law. But it was not violence of this sort so much as the subtle, all-pervasive air of uneasiness, of rivalry, and even hostility between the States, of commercial enmity and a universal unneighborly spirit of reprisal which moved the thoughtful and masterful spirits of the country most deeply, and led them to bestir themselves while yet there was time to forestall disaster. It made them fear the worst, too, for the honor and very life of the country to see how debt demoralized the States: how they yielded upon every side to the temptation to repudiate their obligations by some new evasion, and encouraged individuals to practise a like dishonesty by passing stay laws against the collection of private debts and making legal tender of paper money issued without limit, whose value dropped with every week it was in use. Business as well as government seemed about to go to pieces, bankruptcy to go hand in hand with virtual anarchy.

It was Washington's scheme of making the West accessible through the valley of the Potomac which, after all, as it turned out, opened the way for statesmanlike measures of union. There was but one method by which to save the Confederation now, as there had been but one method by which to concert and carry forward the revolution. It had to be done, if done at all, by bringing the leading minds of the country to some sort of agreement: by correspondence, by individual effort; by personal appeals to individuals and to legislatures on the part of men who could gain a hearing because they had approved themselves by service. An infinite deal of letter writing: letters handed about from hand to hand which were like state papers for thoroughness, for sobriety of argument, for cogency and quiet power; per-

sonal interviews; persuasion that soaked slowly through from group to group in the simple society of the scattered towns and hamlets and plantations,—such was the machinery of reform, whether in opinion or in affairs; and Washington, with his quick conscience and steady competency in every matter that called for action, was the natural centre alike of counsel and of performance.

By the spring of 1785 the Potomac Company, pushed forward in its business by men like Washington, had developed plans serious and definite enough to engage the attention of the legislatures of Maryland and Virginia. The Potomac ran with Maryland on the one bank and Virginia on the other: it was necessary that the two States should agree upon plans for its use and navigation. They united, therefore, in appointing commissioners to meet at Alexandria in March, 1785, to consult upon this matter not only, but also upon the general commercial relations of the two commonwealths which this matter touched and which there was no general government to regulate. Washington invited the commissioners to adjourn to Mount Vernon, near by, as his guests; and there, though not of their number, he was freely admitted to their counsels. They did not report to their legislatures all the hopes and questions to which their thoughts had broadened as they talked, but they set forth matters significant enough for the present. The Potomac, they pointed out, could not be connected with the western waters without affecting Pennsylvania, as well as Maryland and Virginia; they recommended, therefore, that she also be called into conference before that business was carried further. The rest of their task, which concerned common commercial regulations, uniform duties on imports, and joint rules touching the

currency, they completed. The Maryland legislature, when it received their report, happily read it in as liberal a spirit as any statesman could have wished for. If Pennsylvania was to be drawn into conference about the Potomac, why should not Delaware also be consulted, with a view to carrying a straight water-course, by canal, from Chesapeake Bay to the Delaware River? And if Pennsylvania and Delaware might be asked to confer about these specific things, what was to prevent a general conference of the States, in which all the uncomfortable questions of their intercourse with one another might be frankly discussed? Governor Bowdoin, of Massachusetts, had that very year urged his legislature to invite the States to such a general convention, in the interests of amicable trade, and it might be that it would meet with universal approbation.

Virginia was willing. There were men in her legislature to whom such suggestions seemed full of hope and good counsel. Under their influence, therefore, the Burgesses (January, 1786) asked all the States of the Confederation to send delegates to a convention to be held at Annapolis on the first Monday of September, to consider the questions of trade and common intercourse which were disturbing the whole country. The response was disappointing. Connecticut, South Carolina, and Georgia ignored the call altogether. Even Maryland fell suddenly indifferent and failed to act, though the plan was her own. New Hampshire, Massachusetts, Rhode Island, and North Carolina appointed delegates, but when the conference had assembled it was found that they had not taken the trouble to attend. Only Virginia, Pennsylvania, Delaware, New Jersey, and New York were represented; and their delegates

did not feel that, alone, they could do anything. They could only urge another and fuller conference.

New Jersey had taken a very lively interest in these



Thos. Sumter

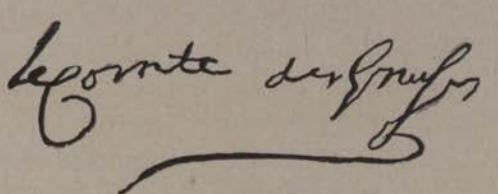
THOMAS SUMTER

new plans of consultation and co-operation. She felt very keenly the serious commercial and political disadvantage at which she was placed by a geographical position which made the much more powerful States of

New York and Pennsylvania her jealous rivals at either outlet to the sea, and along every mile of her border to the westward. She had, accordingly, given her delegates a broader commission than the others bore. She had bidden them "consider how far a uniform system in their commercial regulations *and other important matters* might be necessary to the common interest and permanent harmony of the several States"; and Mr. Hamilton, one of the delegates sent from New York, being a statesman and no partisan, induced the conference to make a like suggestion in asking for another and fuller convention of the States. Alexander Hamilton had been born, and bred as a lad, in the West Indies. He had established himself while yet a very young man in New York; but he had taken no color from the place; had kept a mind detached from merely local interests and provincial prejudices; had served under Washington in the field, as his aide and confidant; and had learned to see as clearly as any of his elders in affairs the needs and dangers of the country. He lacked still several months of being thirty; but he had been quickened to a singular maturity in that time of stress. He proposed an address to the States in which they should be asked to come together at Philadelphia, on the second Monday of the following May, not merely for the consideration of questions of trade, but also for the purpose of devising "such further provisions as should appear to them necessary to render the constitution of the federal government adequate to the exigencies of the Union," and of reporting to the Congress "such an act as would effectually provide for the same"; and the conference, being in earnest, adopted the paper as he had drawn it.

Again the States would have been indifferent and conference of no avail, had not the winter which followed been darkened and made very ominous indeed by Shays's rebellion. Every one of the little common-





COUNT DE GRASSE

wealths felt the threat of unmanageable disorder and the upsetting of government itself which that spoke. "You talk, my good sir," wrote Washington to Harry Lee, in Congress, "of employing influence to appease the present tumults in Massachusetts. I know not

where that influence is to be found, or, if attainable, that it would be a proper remedy for the disorders. *Influence* is no *government*. Let us have one by which our lives, liberties, and properties will be secured, or let us know the worst." There was the same feeling everywhere. Government was too slack, order too uncertain. The authority of law could nowhere be stronger than each individual State was prepared to make it. There was no common power, no effectual combination, no aggregate force to render it beyond peradventure firm and lasting. The object-lesson had come in good season. The Congress of the Confederation had heretofore been opposed to a general conference; it now sanctioned and advised it. The States were at last effectually shaken from their indifference, and appointed delegates to attend at Philadelphia in May, to take part in the new Continental Congress.

It proved a notable assembly,—more notable than the Congress of 1774;[1] for its business was not protest but the reconstruction of a government, and it proved equal to the task. A certain very noticeable anxiety attended the opening of its sessions. The delegates came very slowly and tardily in. A full week had gone by after the day set for convening before so many as seven States were represented. The delegates from New Hampshire were two months late in arriving. It was evident at first that the members were nervous and set about their work of conference and debate with a touch of reluctance and apprehension. They knew that their business was critically important. It might be that the breaking up of their Union, or its consolidation, the setting in or the happy and final preclusion of civil war, would follow upon the completion of their

[1] See page 133.

labors. Affairs, and opinion, too, hung at a perilous poise, and might easily be turned this way or that by their success or failure.

They gathered confidence, however, as they got hold of their task and gained knowledge of one another. There were fifty-five delegates in attendance at last: every State except Rhode Island had sent commissioners. Many of the more famous figures of the revolutionary



SPECIMEN OF VIRGINIA CURRENCY

time were missing. Samuel Adams had declared himself opposed to "a general revision of the Confederation." John Adams was in England. Jefferson was in France. Patrick Henry declined to attend. The men who had organized the Continental Congress and the Congress of the Confederation had in large part given place to others. Younger men had come forward, and were speaking with authority: men like James Madison, of Virginia, who was but just turned of thirty-six, and Alexander Hamilton, of New York,

who was only thirty. But older men were there also, and it was reassuring to find how carefully the States had picked their representatives. Robert Morris was there, the experienced financier of the revolution; Roger Sherman was there, whose practical good sense had steadied the early counsels of the Continental Congress; and John Rutledge, whom South Carolina had made a sort of dictator in her affairs while the revolution held; and Benjamin Franklin, in his eighty-second year. Virginia had sent seasoned jurists past middle life, like John Blair, who had been president of her council, and George Wythe, who had drafted her protest against the Stamp Act; and had added George Mason, her best type of conservative country gentleman, and General Washington, as of course, as well as handsome Edmund Randolph and studious Mr. Madison, still in their thirties.

Every day's debates gave strength and confidence to the counsels of the conference. There were many sharp differences of opinion among its members; but they held together, and a sound practical sagacity prevailed. Leadership among them fell to Madison, whose quiet suggestions always smacked of moderation and of a real knowledge of the subject in hand; to James Wilson, of Pennsylvania, whose shrewd Scots sense and thorough knowledge of law,—the law of nations and of governmental structure as well as the law every lawyer could talk of,—enabled him to clarify and strengthen every topic he touched; to Roger Sherman, of Connecticut, rugged, practical, hard-headed; to Dr. Franklin, who could utter the mellow wisdom of age, and utter it in sentences men could remember; to Gouverneur Morris or Rufus King, who knew how

to cast propositions for a vote,—to the men who could think steadily and see things whole, or who could strike out practicable lines of definite action.

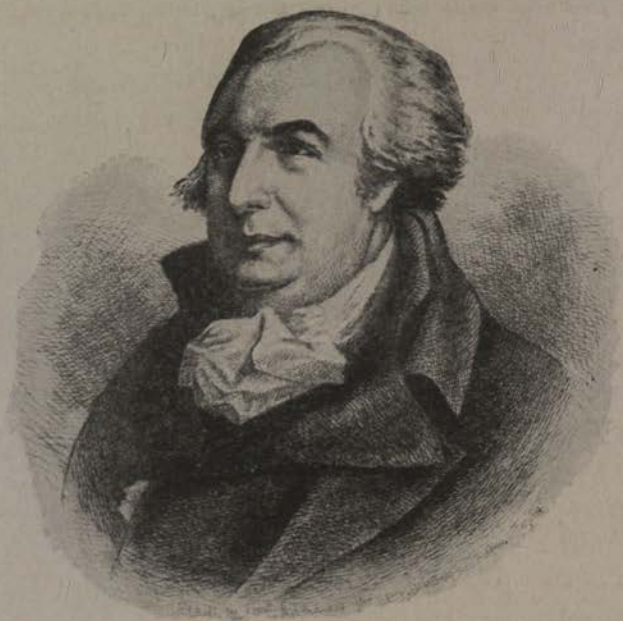
The convention wisely sat with closed doors. It sat all the summer through, and until September was



John Blair JOHN BLAIR

more than half gone; let no one know what it debated or had its doubts and its sharp differences of opinion about; merely published its work when finished, and went home to press it for acceptance. It gave it great dignity that Washington had presided over its counsels and was heart and soul for the adoption of the measures

it proposed. His name and quiet force had steadied the convention on many an anxious day when disagreement threatened hopeless breach. His fame and influence infinitely strengthened also the measures proposed, now that they were completed. He supported



Gouv Morris GOUVERNEUR MORRIS

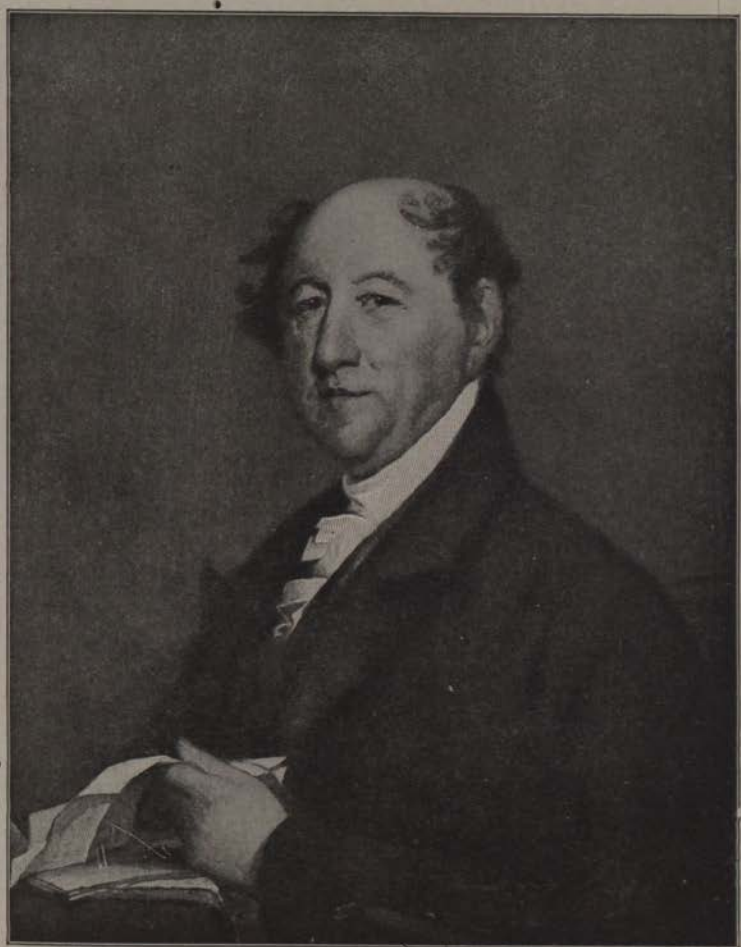
them because they were thorough-going and courageous and cut to the root of the difficulties under which the country was laboring. Issue had been joined now, as he had wished to see it joined, between government or no government, and the country was to know at last where it stood in the most essential matters of its life.

The convention had drafted nothing less than a

new constitution,—no mere amendment or series of amendments to the Articles of Confederation; a radically new scheme of government and of union, which must stand or fall upon its own merits. It was recalled, many years afterwards, how General Washington had stood in the midst of a little group of delegates, during the anxious first days at Philadelphia, while they waited for commissioners enough to justify them in effecting an organization, and had cried, "Let us raise a standard to which the wise and honest can repair. The event is in the hand of God." It was in that spirit that the convention had acted. They had not taken measures to please, but measures to save the country. The constitution which they proposed showed by its very simplicity and directness the statesmanlike vigor, definiteness, and consistency of purpose with which it had been conceived and drafted. It conferred upon the federal government powers which would make it at once strong and independent: the power to tax, the exclusive power to coin money, the power to maintain an army and a navy,—the powers, within its sphere, of a supreme and sovereign government. Its laws were to be, not advisory, but imperative, and were to operate, not upon the States, but directly upon individuals, like the laws of any sovereign. It was provided with the executive the Confederation had lacked: a president in whose authority should be concentrated the whole administrative force of its government. It was to have its own courts, and in those courts, not in the courts of the States, were its powers to be finally determined, whenever challenged. The very equality of the States, that cardinal principle,—that cardinal defect,—of the Confederation, was in large part to be done away with.

The legislature of the new government, which was to be no confederation, but a veritable State built upon a federal principle, was to consist of two houses. In one, the Senate, the States were to be equally represented; but in the other and larger house, the House of Representatives, the people were to be represented directly, by number,—one representative for every thirty thousand,—counting them within their States, indeed, but not as if they constituted separate commonwealths. The new government was to regulate commerce, both with foreign nations and among the States. The States were to be forbidden to enter into any treaty, alliance, or confederation; to emit bills of credit; to pass any law impairing the obligation of contracts; and to lay any imposts or duties on imports or exports, unless permitted to do so by the Congress of the United States. All foreign affairs, all questions between State and State, all common interests were to be controlled by the federal government; and it was to act directly, of its own will and initiative, through its own officers and its own tribunals.

In brief, every salient feature of the existing Confederation was in this new instrument of government condemned and rejected:—the absolute equality of the States, the dependence of the general government upon them for the execution of the laws and for its very support, its lack of an executive and of executive powers, its futile function of mere advice. Even so, the changes proposed did not satisfy Mr. Hamilton. He had been a member of the convention, had signed the document now sent forth, and meant to devote himself very heartily indeed to advocating its adoption; but he had taken very little part in its formulation, because, as he had



Rufus King

RUFUS KING

frankly told his fellow members, he himself desired something very different, which he knew he could not get. He had very little faith, he said, in federal government, or even in republican government, which it seemed to him impracticable to establish over so extensive a country as the United States. He could wish, he said, that the state governments, as independent political bodies, might be extinguished, or at any rate entirely subordinated; that the general government might be given "complete sovereignty"; that the new executive of the nation might hold for life, and at least one house of the national legislature for a like term, "or at least during good behavior." His breeding was not of the colonies, his thinking marked him of the culture that belonged on the other side of the sea. He hated anarchy, and saw the country drifting into it. He believed that nothing short of a centralized government could be certainly relied upon to check and kill it. He was for efficiency rather than for sentiment. But he was above all a statesman, and contented himself, and that right heartily, with the minimum of what he desired,—with the government the convention had devised. He knew, as every one did who had been admitted to the counsels of the convention, by how sharp a struggle, by how delicate and difficult a series of compromises, the constitution as it stood had been obtained amidst the conflict of interests and of views disclosed in debate. The smaller States had assented to it only because the Senate was to preserve for them the old-time equality of the States in legislation. The slave-holding States of the South had assented only when it was agreed that three out of every five of their slaves were to be counted in reckoning population as a basis of represen-

tation in the lower house. A compromise had ended every serious divergence of opinion. The wonder was, not that so little, but that so much concentration and



Edm: Randolph EDMUND RANDOLPH

invigoration of authority had been agreed upon where counsel and interest differed by the width of the poles.

So far as the country at large was concerned, the new constitution was startling and radical enough as it stood. Patrick Henry, of Virginia, had refused to at-

tend the convention because he had foreseen and feared just such revolutionary proposals. George Mason and Edmund Randolph, of Virginia, and Robert Yates and John Lansing, Hamilton's colleagues from New York, had refused to sign the constitution which it proposed. The new document was most revolutionary in the method which it proposed for its adoption by the States. There was but one way by which the Articles of Confederation, the existing federal law for which this was to be a substitute, could legally be amended: by the unanimous assent of the States. The convention proposed, nevertheless, that the new constitution should go into effect if adopted by nine out of the thirteen; and the Congress, seeing change probably impossible otherwise, sanctioned the proposal.

Fortunately, there was nothing novel in the details of the government proposed. Every practical provision in it, almost without exception, had been borrowed from the experience of the colonies themselves, or from English experience equally familiar:—the single governor, the two legislative houses, the supreme court, the partial equality of the States, the representation of the people, popular elections, brief terms of office, definite, chartered powers. Even the electoral college which was to choose the President, had its prototype in the electoral body through which Maryland chose the members of the upper house of her legislature. The convention had showed its conservative temper in every provision it touched; and not much of what it had done had to be elaborately explained. Many of the States were ready to accept the constitution at once. Delaware ratified it on the 7th of December, but a little more than three months after the ad-

Commonwealth of Maſſachuſetts.

By His EXCELLENCY

James Bowdoin, Eſq.

GOVERNOUR OF THE COMMONWEALTH OF

MASSACHUSETTS.

A Proclamation.

WHEREAS by an Act paſſed the ſixteenth of February inſtant, entitled, "An Act deſcribing the diſqualifications, to which perſons ſhall be ſubjected, which have been, or may be guilty of Treaſon, or giving aid or ſupport to the preſent Rebellion, and to whom a pardon may be extended," the General Court have eſtabliſhed and made known the conditions and diſqualifications, upon which pardon and indemnity to certain offenders, deſcribed in the ſaid Act, ſhall be offered and given; and have authorized and empowered the Governour, in the name of the General Court, to premiſe to ſuch offenders ſuch conditional pardon and indemnity:

I HAVE thought fit, by virtue of the authority veſted in me by the ſaid Act to iſſue this Proclamation, hereby premiſing pardon and indemnity to all offenders within the deſcription aforeſaid, who are citizens of this State; under ſuch reſtrictions, conditions and diſqualifications, as are mentioned in the ſaid Act: provided they comply with the terms and conditions thereof, on or before the twenty-firſt day of March next.

GIVEN at the Council Chamber in Boſton, this Seventeenth Day of February, in the Year of our LORD One Thouſand Seven Hundred and Eighty Seven, and in the Eleventh Year of the Independence of the United States of AMERICA.

JAMES BOWDOIN.

By His Excellency's Command,

JOHN AVERY, jun. Secretary.

BOSTON: Printed by ADAMS & NOURSE, Printers to the GENERAL COURT.

GOVERNOR BOWDOIN'S PROCLAMATION

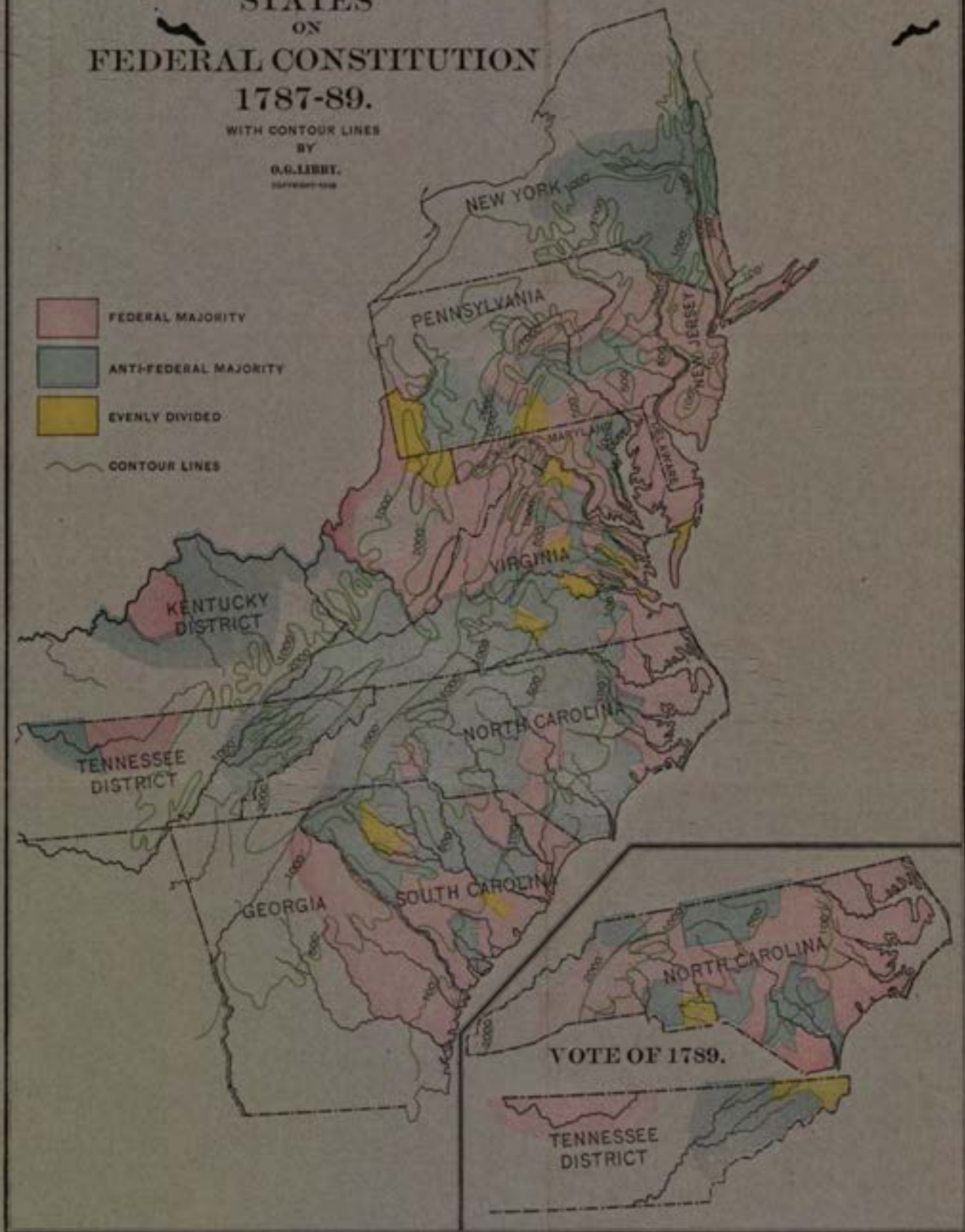
journment of the convention; Pennsylvania followed her example on the 12th, and New Jersey on the 18th. By the 1st of June, 1788, eight States had given their assent, — Massachusetts among them, though she had hesitated,—but New York and Virginia still held off. Massachusetts had waited until Mr. John Hancock and Mr. Samuel Adams declared themselves willing to accept the constitution and had suffered their choice to shift the balance of opinion. New York held off, as she had held off from granting additional powers to the Congress of the Confederation, because she did not wish to yield her commercial independence; and Virginia because men whom she loved, like Mr. Henry, and men whom she had been accustomed to trust in counsel, like Mr. Mason, feared to see so powerful a central government set up.

New York yielded at last (July 26th), by a majority of only two votes out of fifty-seven, because Mr. Hamilton and the men who stood with him pressed every advantage of argument, influence, and persuasion,— and because news came that New Hampshire had accepted the constitution, the ninth State (June 21st), and that therefore the new government was quite certain to be tried without her. In Virginia the arguments of Madison and Randolph and Marshall and the personal influence of Washington prevailed at last (June 25th), notwithstanding the opposition of Lee and Henry and Mason. It was said in her convention that there were no safeguards in the new constitution sufficient to withhold the powerful government about to be set up from encroaching alike upon individual rights and upon the undoubted powers of the several States; and the opposition would have prevailed had

MAP OF VOTES IN MIDDLE & SOUTHERN STATES ON FEDERAL CONSTITUTION 1787-89.

WITH CONTOUR LINES
BY
O.G.LIBBY.

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not the ratification been coupled with resolutions which urged amendments which should constitute a sort of bill of rights, — amendments which the new government afterwards accepted.

"The opinion of General Washington was of such weight," said Count Moustier, the French minister to the United States, "that it alone contributed more than any other measure to cause the present constitution to be adopted." No doubt the country did feel, throughout, the compulsion of loyal sentiment that went with his name. No doubt it felt, too, the mastery of the men who stood with him to lead, and yielded, in part, to their tact, their quick concert, their energy, their infectious enthusiasm, their ardor of unhesitating conviction. But it was interest and the pressure of affairs which told most decisively in the vote. Each State had uttered its choice with regard to the adoption of the constitution through a convention chosen for the purpose; and it was noteworthy how the delegates stood divided. Those from the larger towns and the districts where hamlets and homes lay thickest, where commerce moved upon the rivers and to the sea; those from the farming regions which lay by tide-water or near the long rivers which crossed the boundaries of States and floated produce to markets within another juris-



SILHOUETTE OF JAMES BOWDOIN

diction; those who came from exposed frontiers where there was nothing to hope for from independence and much to hope for from a protecting common government:—all who felt the wide movements of trade or the need for free markets or the too sharp pinch of rivalry between State and State or the imminent threat of division and disorder, to the unsettling of property and the upsetting of their lives, voted for the constitution. It was opposed by the men who lived remote from the centres of population and the stronger currents of trade, whose lives had no wide connections and sufficed them; by men who were more likely to be debtors than to be creditors and wished their States left at liberty to legalize a depreciated currency; by men whose homes were upon the western rivers which ran towards Spanish territory, not towards the ports of the East, and who doubted their real connection of interest with the seaboard; by the great land-owners of New York, whose estates shut free farmers out, who had been masters of the State hitherto and wished to keep intact her right to collect duties at her great port, her power to put her neighbors at a disadvantage; by conservative men who feared to see one group of States take advantage of their majority to obtain commercial ascendency over another group. "Tories" voted for the constitution because they hoped to be safer under it; many extreme "Whigs" voted against it because they thought that they would be a little freer without it. Those who admired a centred and efficient government like that of England and regretted separation, were its advocates; those who ardently preferred their own little commonwealths and looked upon them as their best field of prosperity or of personal ambition were its op-

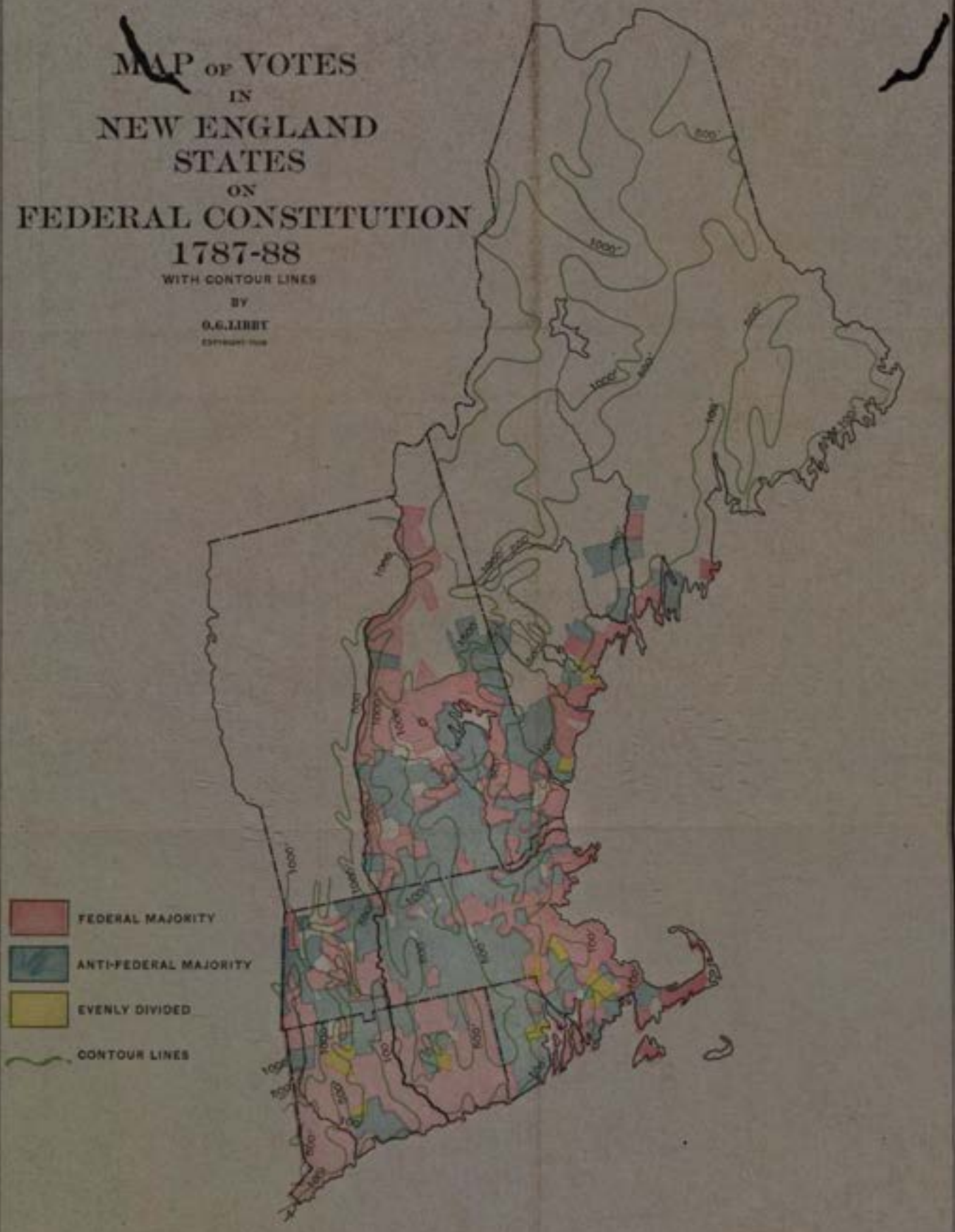
MAP OF VOTES IN NEW ENGLAND STATES ON FEDERAL CONSTITUTION 1787-88

WITH CONTOUR LINES

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JAMES BOWDOIN

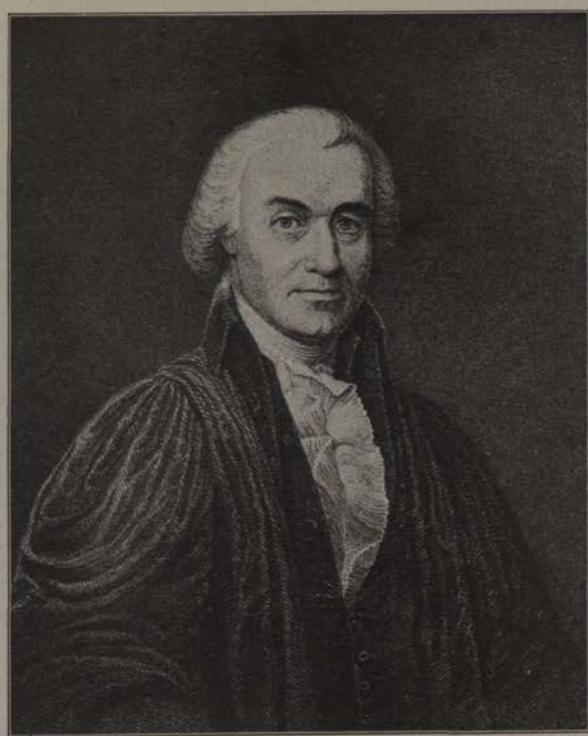
ponents. Men voted for it because they hated anarchy and confusion of authority and wished to see a nation created in America, as Mr. Hamilton did; and against it because they thought that where anarchy was impossible liberty was insecure. No doubt, could there have been a counting of heads the country through, a majority would have been found opposed to the constitution; but the men who were its active and efficient advocates lived at the centres of population, had the best concert of action, filled the mails and the public prints with their writings, were very formidable in debate and full of tactical resources in the conventions, could win waverers, and prevailed. North Carolina and Rhode Island alone rejected the constitution, waiting without to see what would come of the new union.

It had been a notable thing to see how wide the discussion had swung which attended the drafting and adoption of the new form of government, through how broad a range of topics it had run, and with how statesmanlike a tone and thorough-going a method alike of advocacy and of opposition. It had produced pamphlets which, for sobriety and thoroughness, might some of them have served as manuals of free government, and for form and vigor as models of lucidity and force in the use of English prose. At the very outset of the Revolution, at the first touch of national feeling, America had found her voice and produced of a sudden her school of statesmen and of writers. The strong emotions of the time had seemed to spring easily into words,—into words that told instantly upon men's spirits on both sides of the sea, and made themselves at once vehicles of power. Now a new strain, a new impulse, the strain and impulse of those who build and

make good what they have achieved, was upon the leaders of the young States, and they spoke their chastened thought like masters.

Very few men in America had used the pen for achievement or the satisfaction of the force that was in them until this supreme day of struggle came when a new nation was born and the very abstract principles of liberty entered into their imaginations and possessed their minds, like things that lived and had of themselves power to prevail. Men had not often turned to the making of books during the long days of settlement, when the colonies were a-making and every man's fire went into his work in the forests or upon the sea or in the conduct of affairs. Here and there some man of thoughtful spirit, bred to his books in old England, would turn again, for solace and relief of heart in that wilderness, to his studies, as gentle George Sandys did, Sir Edwin's brother, who had quickened the heavy nights at Jamestown with coining noble English verses out of the *Metamorphoses* of Ovid. Once and again some gentle woman, like Anne Bradstreet, of quick wit and thoughts that moved uneasy amidst her narrow, pent-up life, would seek outlet of spirit in bits of prose, that spoke her deeper moods, or verses into which she sought to put her image of the world. Men did not always merely preach, or speak only in town meeting, or put pen to paper only in letters of business. William Bradford, the peasant scholar who ruled Plymouth, wrote the moving narrative of his people's pilgrimage and establishment in the New World with the dignity of the true historian, minded to hand a great story on to men of other days. Mr. John Winthrop kept daily chronicle of what went forward in the little commonwealth in

which he ruled a generation through like one who works upon the records of a great State and people. But there was in none of this the full breath of letters.



Oliv Ellsworth OLIVER ELLSWORTH

Men wrote, for the most part, only to set some business forward, of church or state. It was thus that Captain Smith had written his *True Relation* of the first planting of Virginia, his *Description of New England,* and his *General History of Virginia, Summer Isles, and*

New England, and that the many books, great and small, about the planting of the colonies had come into existence. Partisans of each enterprise set its merits forth; opponents foredoomed it to failure; those who had tried America and found it a bitter place to live in spoke out in ridicule, condemnation, slander against it. It was in a like tone, as of men who carry an enterprise forward in their words, that the governing divines of the New England commonwealths had uttered their treatises upon the workings of Providence and the disciplinary purposes of the established polity among them. Mr. Hooker's discourses rang always of man's salvation or of the affairs of state which must rule his conduct. Mr. Cotton's spoke always a purpose to govern men by the terms of his Puritan creed. Roger Williams wrote always of some matter that touched his mission as the founder of a free commonwealth or an evangelist among the Indians. Cotton Mather had set down, in his rugged Tudor prose, the judgments of God among men, as they had been revealed to him in the lives of those who had lived about him or in the affairs of the New England churches. Even their verses were but another engine of doctrine and reproof, when they made verse their vehicle of utterance, as did Michael Wigglesworth, the "little shadow of a man," more soul than body, who through half a century was pastor at Maldon.

Not until that first century of initial strife and experiment had closed and a new age had come, with broader outlooks and airs of common enterprise, did any touch of genius lift letters to the levels of abiding power. In Jonathan Edwards the doctrine and philosophy of the Puritan churches found a voice which knew the full gamut of noble and effective speech.

Every thought that he touched lived. His mind wrought always with a gift of creation. What he wrote was no longer the mere matter of the preacher; it was always living matter of thought as well, which searched meanings to their bottom, and was put forth to be reckoned with by every man who pondered aught of the weightier matters of his life. But it was spoken at the end of an age. The cool eighteenth century had come in. Men were beginning to ask, not for counsels of righteousness, but for common-sense maxims of conduct, for a philosophy of this world, not of the next; and were turning away from the religion, as they were turning away from the politics, of the age gone by. They stopped once and again to record what that age had done. Each little commonwealth could presently point to some quiet gentleman, like Mr. Hugh Jones and Mr. Robert Beverley in Virginia, and Mr. Thomas Prince in Massachusetts, who had made note of its history while yet the memory of it was fresh, its



Henry Laurens

HENRY LAURENS

documents safe at hand. But the passion of the older time was no longer upon them. The spirit of another day turned men's faces to the future, rather than to the past. New affairs were afoot, new thoughts astir, and men who thought, thought upon the enterprises and the principles of their own day.

Mr. Benjamin Franklin was their typical man of letters.[1] That he was a man of letters seemed only an accident of his career as a man of affairs. His plain, straightforward, manly prose seemed with him an instrument of business. For all it had about it the flavor of his singular individuality and had an unmistakable touch of the nice art of speech upon it, it used everywhere the accents of the shop, the street, the lecture room, or the council chamber, and had seldom about it the free disengagement of letters. The homely saws and wise maxims of *Poor Richard's Almanack* had the true flavor of his career, and were as close to practical experience as he himself kept all his life through. His passion for physical science oftentimes took him, it is true, away from the work-a-day world into the realms of speculation; but science was for him, after all, but the experimental side of practical achievement in the arts and conveniences of life. He was a *savant* of the people.

In the literature of the Revolution forces were released which transformed letters into an instrument of creation and brought nothing less than a nation into self-consciousness. It had had its beginnings in the protest against the Stamp Act, grave state papers, the addresses of colonial assemblies and of the Congress at New York, the arguments of jurists, and the letters of observant men of affairs. Here was the structure of an empire to be debated. The very scope and capital sig-

[1] See page 169.

nificance of such a debate called to the best minds of the colonies like a challenge. Pamphlets began to come from the press which showed quiet men unexpectedly turned statesmen and masters of style to state the case for the liberties of the colonies. Mr. Daniel Dulany's



WILLIAM PATTERSON

Considerations on the Propriety of Imposing Taxes on the British Colonies for the Purpose of Raising Revenue by Act of Parliament supplied the great Pitt with the chief grounds of his argument against taxing America. A Maryland lawyer had turned from leading the bar of a province to set up the true theory of the constitution of an empire, with the dignity, the moderation,

the power, the incommunicable grace of a great thinker and genuine man of letters. Mr. Richard Bland, of Virginia, antiquary and mere jurist though he seemed to be, published an *Enquiry into the Rights of the British Colonies*, which put in blunt and bitter sentences what Mr. Dulany had said with restrained and sober eloquence,—that, and more besides. Mr. Bland did not hesitate to speak of Virginia as a "distinct and independent state," bound, indeed, in allegiance to England's king, but not bound to her Parliament; a dominion "settled by Englishmen at their own expense, under particular stipulations with the crown," and entitled to deal with the crown alone. Mr. Townsend's Acts of 1767 called forth a series of *Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies*, into which John Dickinson had put the very heart of good sense and justice, to support the theory of liberty to which all America adhered, with an urbanity, a simple grace, a fine, natural power of statement which gave him instant place, on both sides of the sea, among famous Americans.

It seemed quite in the order of nature that James Otis and John Adams in Boston should enter the lists to make themselves champions of the people's side in such an argument; and they wrote as they spoke, with a point and efficacy sure to win attention. It was much more significant that a like passion of speech should take hold of men hitherto withdrawn from popular leadership, for whom, it seemed, principles were the ultimate realities, not the mere play of affairs. And as the debate broadened, so did the volume of American letters grow. Her writers were serving their apprenticeship in the statement of the ideals by which

she was to live. From the first Continental Congress came forth an earnest address to the King, sober me-



T Paine THOMAS PAINE

morials to the people of Great Britain and to the people of British America, and a solemn declaration of rights which were as firm, as moderate, as cogent in reasoning, as sagacious in method as if they had been the

state papers of an ancient parliament. Men everywhere marvelled at their power of convincing statement, their telling force of quiet eloquence, as coming from a people without any writers, except Dr. Franklin, that anybody had heard of. There was here a breeding in letters which no man could well comprehend who had not breathed the keen airs of political inquiry moving upon the coasts of America.

Presently there was the air of revolution, too. Pamphlets which argued with slow and sober power gave place to pamphlets which rang with passionate appeals; which thrust constitutional argument upon one side and spoke flatly for independence. One such took precedence of all others, whether for boldness or for power, the extraordinary pamphlet which Thomas Paine,[1] but the other day come out of England as if upon mere adventure, gave to the world as *Common Sense*. It came from the press in Philadelphia early in January, 1776, the year the Congress uttered its Declaration of Independence, and no writing ever more instantly swung men to its humor. It was hard to resist its quick, incisive sentences, which cut so unhesitatingly to the heart of every matter they touched; which spoke, not the arguments of the lawyer or the calculations of the statesman, but the absolute spirit of revolt, and were as direct and vivid in their appeal as any sentences of Mr. Swift himself could have been. They were cast, every one, not according to the canons of taste, but according to the canons of force, and declared, every one, without qualification, for independence.

Upon that, issue was joined. Men like Mr. Dickinson and Mr. Dulany drew back, and pleaded for the peace-

[1] See page 181.

COMMON SENSE:

ADDRESSED TO THE

INHABITANTS

OF

AMERICA.

On the following intereſting

SUBJECTS.

I. Of the Origin and Deſign of Government in general, with conciſe Remarks on the Engliſh Conſtitution.

II. Of Monarchy and Hereditary Succeſſion.

III. Thoughts on the preſent State of American Affairs.

IV. Of the preſent Ability of America, with ſome miſcellaneous Reflections.

Written by an ENGLISHMAN.

By Thomas Paine

Man knows no Maſter ſave creating HEAVEN,
Or thoſe whom choice and common good ordain.

THOMSON.

PHILADELPHIA, Printed
And Sold by R. BELL, in Third-Street, 1776.

TITLE PAGE OF "COMMON SENSE"

ful ways of constitutional agitation. Men like Joseph Galloway threw their sturdy power upon the same scale. Samuel Seabury, "The Westchester Farmer," had already written letters against the extreme courses of the Congresses of 1774 and 1775 which were as difficult to answer as those of Mr. Dickinson himself, and men drew from them very effective weapons of controversy as affairs thickened towards revolution. Men mustered now upon that side who were very formidable, whether for influence or for skill and persuasiveness as advocates,—among the rest the redoubtable Jonathan Boucher, the robust preacher who was General Washington's friend: who had met Washington in mid-stream of the Potomac as he fared to the Congress at Philadelphia and had warned him very solemnly to beware what he did to make cause against the King's government in England. Issue joined, passion was the more quickened. There was vehement give and take. The sting of satire and invective was added to the bitterness of conflicting views upon this vital matter which must involve all men's fortunes, and many used in ugly temper the worst weapons of abuse. Friends parted company in hopeless alienation. Men fought for their mere good name who resisted the rising spirit of the revolution. It was no light matter to come under the lash of verse-makers like Philip Freneau, whose satire burned like the flames about a stake. It was almost as hard to face John Trumbull's stinging jests, touched sometimes with mirth but never with pity. These men were masters of their weapons, and wielded them with a certain grim pleasure. Perhaps Philip Freneau might, in some other age, have struck into the fine, sweet tones of genuine poetry; strains

came now and again from his pen which marked him a poet with the real gift of song. But

> " An age employed in pointing steel
> Can no poetic rapture feel,"

and he spent his force upon bitter satire, whose voice the men of his day welcomed and applauded. The passion of such a time could yield nothing more gentle. Men's ears were not waiting for music. They spoke to give their speech efficacy as an instrument of action. The very private letters of the time read like minor pamphlets, ran always upon some theme of public concert in affairs, upon principles and measures, and were grave bits of counsel. Heads of colleges, like redoubtable John Witherspoon, of Princeton, kept the field in this fight for principles of government; Timothy Dwight, whom Yale afterwards preferred to her presidency, wrote its songs of war.

And so a generation was schooled for the making of a nation and the framing of constitutions: a generation bred to the debate of polities and the acute discrimination of principles of government; bred also to the severest and most analytical forms of discussion, and to the statement of political reasoning in words which told upon the mind like a demonstration. It was such a generation that debated the setting up and constitution of the Confederation, its weakness, the significance of Shays's rebellion and of the disorders, some obvious, many obscure, which followed the war, the necessity for a new and better form of union, and the character of the government it ought to be provided with.

The chief part in the critical discussion of the con-

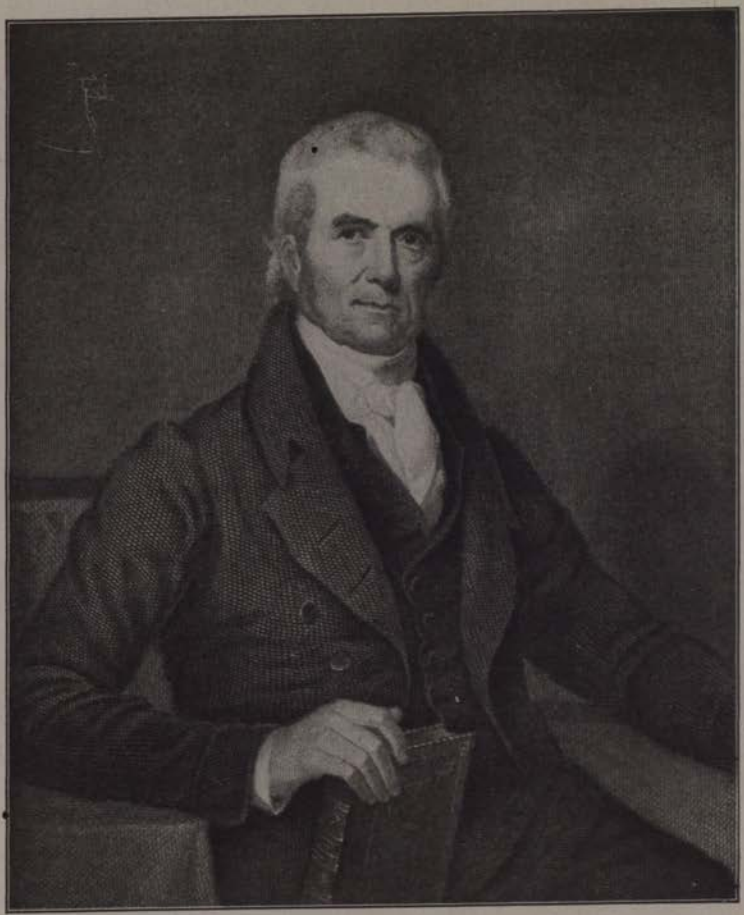
stitution proposed by the convention of 1787 fell, of course, to the leaders of the several state conventions which met to consider its adoption or rejection. But there came also a flood of pamphlets from the press, and the newspapers of the seaport towns teemed with letters from men whose every line showed how schooled they had grown in the art of assessing questions of government. Public opinion had first to be dealt with before the state conventions should come together. There were opponents of the new scheme of union as ready to speak out as its advocates, and they spoke with a certain advantage of argument on their side. They could very easily make it seem, both to themselves and to those whom they addressed, that they

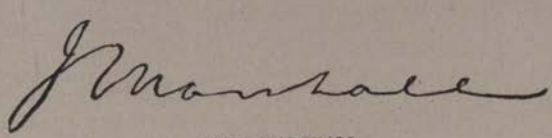


GEORGE WASHINGTON, FROM THE BUST BY ECKSTEIN

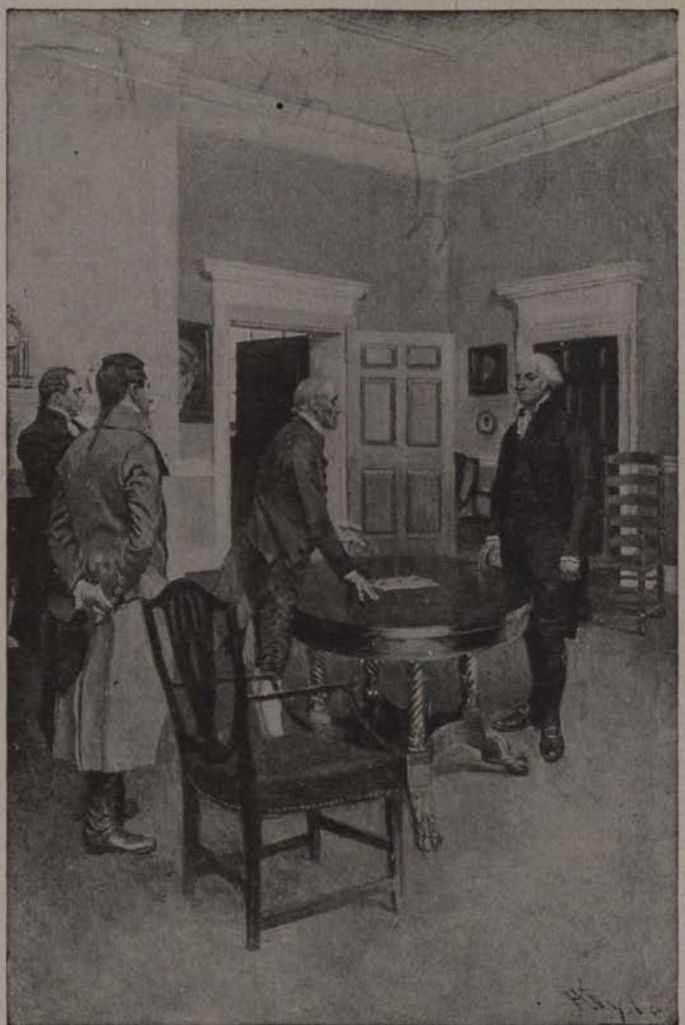
were but continuing their advocacy of the principles of the Revolution in opposing the creation of a central government likely to command them as they had but just now refused to be commanded by the immemorial government of the King over sea, a government made sacred by old allegiance. But the victory was again with those who concerted action. The most notable papers of the whole controversy were the eighty-five *Federalist* letters addressed, in quick, unbroken series, to "The People of the State of New York" from the columns of *The Independent Journal, The New York Packet,* and *The Daily Advertiser* during the weeks which intervened between the promulgation of the text of the constitution and the assembling of New York's convention.

Each letter bore the signature *Publius,* but the series was in fact written by three several authors. Those which analyzed the general powers of the proposed government, those which sought to make clear its historical and theoretical foundations, and many of those which expounded its details, were the work of Mr. Madison. Mr. Hamilton examined, in his thorough-going, unanswerable way, the defects of the existing Confederation, such of the details of the constitutional convention's plan for the reconstitution of the government as Mr. Madison had not the time to develop, and those general conceptions of government which he handled so like a master. Mr. Jay discussed the fitness of the new government for dealing with the foreign relations of the States. What distinguished these papers from all the rest with which printers and politicians were so busy was their breadth of view, their fine temper, their range of topic, their





JOHN MARSHALL



THOMSON, THE CLERK OF CONGRESS, ANNOUNCING TO WASHINGTON, AT MOUNT VERNON, HIS ELECTION TO THE PRESIDENCY

texture woven both of fact and principle, their candid and yet conclusive comment upon every matter that could be drawn into controversy. They read like what they were, the utterances of statesmen,—of statesmen drawn for the nonce out upon the general field of the theory and practice of government. It was easy to see in reading them how Mr. Madison had served and guided the convention at Philadelphia, and how Mr. Hamilton might have served it, had he liked its work while in progress as heartily as he now accepted and advocated it. These papers were henceforth to be the chief manual of all students and historians of the constitution. And their style, with its unfailing lucidity, its cogency without artificial emphasis, its unmistakable distinction and elevation of tone, matched their matter. This was the masterpiece of letters in the sober kind bred by revolution.

No man could say whether argument or interest had won the fight for the constitution; but it was at least certain that nothing had been done hastily or in a corner to change the forms of union. These close encounters of debate had at least made the country fully conscious of what it did. The new constitution had been candidly put through its public ordeal. All knew what it was, and for what purposes it was to be set up. Opinion had made it, not force or intrigue; and it was to be tried as a thing the whole country had shown itself willing to see put to the test.

Fortunately, there was one "Federalist" leader whom all the country trusted, and against whom even the bitterest opponents of the new constitution hesitated to speak in malice or detraction. The choice of men everywhere turned spontaneously to Washington as the



INAUGURATION OF WASHINGTON IN NEW YORK

one man who ought to be first President of the United States. The constitution provided that electors should be chosen in the several States, and that by them a President and Vice President should be selected. Their votes were to be sent to the Congress, to be opened and counted in a joint session of the two houses. The 4th of March, 1789, had been set as the day for the convening of the new Congress and the inauguration of the government; and New York was the place appointed. But the members were laggard and tardy, as they had been at Philadelphia when the constitution was to be framed. It was the 6th of April before they found a quorum and counted the electoral votes. On the 7th they sent Charles Thomson, who had been clerk of every Congress since 1774, to Mount Vernon to inform General Washington that he had been unanimously chosen President. By the 27th Washington was in New York, ready for his duty. He had come with unaffected reluctance. He called himself a mere soldier, and an old man besides; doubted his civil capacity; and coveted peace and retirement. But he had known it his duty to come; and on the 30th he was inaugurated President of the United States.[1]

The first thing to be done was to give the new government dignity, vigor, and pre-eminence, lest it should inherit the taint of contempt which had fallen on the Confederation. It was the office and authority of the President, rather than the increase in the powers of Congress, that constituted the chief difference between the new government and the old. It was to be a government which could not only make laws, but execute them also; and Washington knew that no small part of its efficacy and prestige must depend upon him,

[1] See pages 248, 265.

its Executive.[1] "I walk," he said, "upon untrodden ground. There is scarcely an action the motive of which may not be subjected to a double interpretation. There is scarcely any part of my conduct which cannot hereafter be drawn into precedent." He must, he saw, mix prudence with firmness, conciliation with command, a reasonable accommodation with the strict



THE FIRST PRESIDENTIAL MANSION, AT PEARL AND CHERRY STREETS, NEW YORK

execution of the law; and yet not abate the new authority. The new constitution had yet to prove itself acceptable; the new government had yet to win respect. No sentiment attached to it. It must be begun amidst curiosity rather than reverence; in a cool air almost of indifference; without many warm partisans of the rank and file; as an experiment, lacking yet for some time the dignity of an institution.

[1] See page 275.

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In such circumstances questions of etiquette assumed the importance of questions of statecraft. The President insisted, first of all, upon personal precedence. He would receive but not make calls, would give invitations but not accept them; the representatives of foreign governments must deal with him, not directly, but through the Department of State, the country's new foreign office; the governors of States, when he travelled, must call first on him, not he first on them. He made a point of visiting different parts of the country when he could, in order that the people might everywhere have visible proof of the existence and of the dignity of the President, the head of the nation. He practised no foolish seclusion. It was inbred in his principles that he should serve the people in true republican spirit, without affectation or pretension. He walked the streets like other men; rode forth for his exercise on horseback, as was his Virginian habit; was but little more punctilious in dress and manner than he would have been at home. But the natural majesty of his person, his habitual gravity, his breeding in a formal society, the impression he made upon every one of a man of high passion self-controlled, inevitably gave him distinction, and magnified his office in the imagination of all who saw or dealt with him.

It was easier for him to play his own part of quiet authority and matter-of-course precedence than to fill the new offices of federal administration with men who could lend a like flavor to the conduct of affairs. Ambitious men looked askance upon the new government; preferred the service of their States, if they wished political office at all; had to be persuaded to take federal office, and were asked to say nothing of the offer and

refusal if they declined it. Fortunately, there were not many offices to be filled; and for these efficient men were found. The Congress created but three administrative departments at the outset: the Department of



Knox HENRY KNOX

State, the Department of the Treasury, and the Department of War; though it provided also for the appointment of an Attorney General. Washington chose Thomas Jefferson to be Secretary of State, Alexander Hamilton to be Secretary of the Treasury, General

Henry Knox to be Secretary of War, and Edmund Randolph to be Attorney General. Mr. John Jay he made Chief Justice of the Supreme Court of the United States. His strong desire was to join parties in a common support of the general government,—join them at the outset, when their formation was but foreshadowed, not yet hardened to a definite purpose. Alexander Hamilton the whole country knew to be one of the chief advocates of the new and stronger government; General Knox, too, was an avowed "Federalist," as well as a close personal friend of General Washington's; but Mr. Jefferson, who had been in France when the constitution was framed and adopted, came rather lukewarmly to its support, and Mr. Randolph, though he had stood for its adoption, with Mr. Madison, in the Virginian convention, had favored it rather as a sensible politician than as an earnest friend. Mr. Jay was known to be a Federalist.

When parties formed it would be in Congress; and the elements there were not difficult to reckon. There were but eighty-one members, all told: in the Senate twenty-two, in the House fifty-nine, until Rhode Island and North Carolina should come into the Union. It gave weight to the administration that John Adams had been chosen Vice President, and stood with all his sturdy frankness for Federalism, and represented, besides, distinguished national service, both at home and abroad. He had been the first minister of the new republic at the court of St. James,[1] and had made himself and his country respected there, alike for statesmanship and for integrity. He had been at Paris and at The Hague, always alert, always serviceable, always efficient, if never quite genial or attractive, and brought with him

[1] See page 236.



CELEBRATION IN NEW YORK ON THE NIGHT OF WASHINGTON'S INAUGURATION

to his new duties in New York the excellent traditions of his State in politics and morals.

There were marked differences of opinion in the houses from the first: some were inclined to a very liberal construction of their new powers under the constitution; others cried a warning against it, and pressed very earnestly for methods which should above all be conservative, and hold all things to a moderate course. It was easy to see how parties could form,—were forming; but as yet they revealed themselves only vaguely, and legislation moved unembarrassed.

The task of the new Congress was nothing less than the organization of the government. By an act of the 24th of September, 1789, it definitively set up the Supreme Court for which the constitution had provided; giving it a membership of six justices, of whom one should be Chief Justice. Its statutes erected the Departments of State, War, and the Treasury; created the office and functions of Attorney General; put the military establishment upon a modest peace footing; and confirmed the regulations which the Congress of the Confederation had made with regard to the government of the Northwest Territory ceded by the States to the general government.

Its measures of policy affected the whole action of the government in the matters most likely to give it strength and credit; and even the operation of the constitution itself. Virginia was not the only State which had given its assent to the constitution upon the virtual condition that so soon as the government went into operation amendments should be adopted which should explicitly safeguard the more essential rights of individuals and of States. North Carolina, South Carolina, New York,

Massachusetts, and New Hampshire had also urged amendments; and those who had been the chief advocates of the constitution in their several conventions had virtually promised that amendment should be undertaken at the earliest practicable moment. The Congress, therefore, promptly proposed twelve amendments; and of these twelve the States accepted ten.



GOVERNMENT HOUSE AT THE BATTERY, NEW YORK, 1790

Eight of them ran in the phrases of Magna Charta, the Petition of Right, the Declaration of Independence, and the Virginia Bill of Rights; the principles they embodied had come out of the long processes of English constitutional history, out of the precedents of English courts and the practice of English justice; out of charters and constitutions and ancient parliamentary protests.[1] They made secure against federal encroachment the rights of individuals in respect of religion, freedom of speech, military service and the

[1] See page 176.

use and maintenance of armies, search warrants, trial in accordance with fixed law and by the judgment of juries, criminal accusations, the inflicting of punishments, and the exaction of bail. The ninth provided that "the enumeration in the constitution of certain rights should not be construed to deny or disparage others retained by the people." The tenth declared that "powers not delegated to the United States by the constitution, nor prohibited by it to the States, were reserved to the States respectively or to the people."

So much Congress did to keep faith with the country and to clear the constitution of even the suspicion of a character unfavorable to liberty. Its other measures were intended, not to justify or excuse the new government, but to give it efficiency. It was by common consent the chief business of the session to set the finances of the country effectually to rights and to regulate commerce: to give the new Union unquestionable standing in the markets and the banks of the world. Congress put itself in these matters under the guidance of Hamilton.[1] The advice given by the young Secretary was characteristic alike of his capacity and of the purposes which he entertained with regard to the government. And he declared his views with characteristic candor and directness. "To justify and preserve the confidence of the most enlightened friends of good government; to promote the increasing respectability of the American name; to answer the calls of justice; to restore landed property to its due value; to furnish new resources both to agriculture and commerce; to cement more closely the union of the States; to add to their security against foreign attacks; to establish public order on the basis of an upright and liberal policy;

[1] See page 303.

these," he said, "are the great and invaluable ends to be secured by a proper and adequate provision at the present period for the support of the public credit." In a series of carefully considered reports in which he showed himself, as always, a consummate master of constructive argument and of that sort of exposition



CONGRESS HALL, 1790–1800

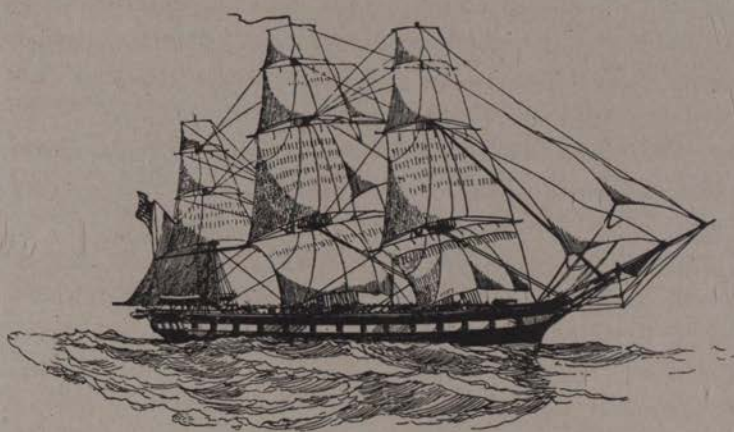
which itself convinces,—reports on the public credit, on the excise, on the establishment of a national bank, on manufactures,[1]—he proposed that a tariff act be passed which should incidentally protect and encourage domestic manufactures; that the foreign debt of the Confederation should be assumed and paid in full; that the domestic debt of the Confederation, also, though it had long ago fallen below par and had largely

[1] See page 321.

passed into the hands of speculators at an enormous discount, should nevertheless be paid at its face value; that even the debts which the several States had incurred during the Revolution should be assumed and paid by the federal treasury; and that a national bank should be established to serve as the fiscal agent of the government. Each of these proposals in turn Congress acted upon and adopted,—not, of course, at once and without debate: only after severe and even bitter contests, indeed, which ran through two annual sessions, and by majorities which grew narrower and narrower with each vote until they dwindled and were lost altogether, to be regained again only by an adroit parliamentary bargain;—but adopted, nevertheless, and made the deliberate policy of the government.

Here was more than conservative men could digest. Even Madison, who in most things led the houses, as he had led the constitutional convention, hesitated and drew back. Jefferson protested, with rising heat, in the cabinet and out of it. Parties began to gather definite creed and purpose, and divided upon lines which grew more and more fixed and clear. It was undoubtedly Hamilton's purpose to draw men of wealth and property to the support of the government by means of his financial measures: to give them definite reasons for wishing it to succeed, and for determining to stand by it until it did succeed, building for the government a great backing of interest; and that of itself condemned what he did in the eyes of some. It seemed to make what he proposed legislation for a class: for a class which did not always prefer the interests of communities to its own. More than that, some of the measures which Congress had adopted, notably

that which established a national bank, involved a doctrine of powers implied, as well as of powers explicitly granted, by the constitution. The new government had looked formidable enough with the powers explicitly granted; who should say where the elaboration of its powers would end if still others were to be drawn forth by implication? The constitution nowhere explicitly gave Congress the right to create a corpora-



UNITED STATES FRIGATE, 1812

tion, like the new Bank of the United States.[1] Hamilton argued that that right was included under the clause which gave it power to make all laws which should be "necessary and proper for carrying into execution" the powers specifically granted; because he held that the Bank was a necessary financial agent in the handling of the federal funds. But whither would the country be led if men of Hamilton's school in politics were permitted to interpret the word "necessary"?

[1] See page 286.

Those who had opposed the constitution because under it the authority of a common government could command the financial policy of the States, and those who had opposed it because it subordinated the States in every chief matter of politics and made of them fractions instead of integers in the political life of the country, had, of course, been ready from the first to stand against Mr. Hamilton and his policy of concentration. When his whole plan was disclosed many Federalists also drew back, with Mr. Madison, fearing whither they should be led by the doctrine of implied powers which the young Secretary thus so boldly pressed at the very outset. Many a sign of sharp reaction gave the Federalist leaders plain warning of what they might expect, should they persist.

Mr. Jefferson became the real leader of the new party of opposition, even before he left the cabinet: at first covertly, at last openly; giving it the name *Democratic Republican,* which savored of the Rights of Man and took men's thoughts over sea to the sharp struggle for liberty then ablaze in France; giving it also organization and the spirit of party, like the master of men he was,—philosopher and politician in equal compound. But Washington accepted the leadership of Hamilton, as Congress did, and for a time nothing could withstand the purposes of those who meant to make the new government strong, national, and permanent. When two years had gone by (1791) a new House was chosen, and in part a new Senate; but the Federalists still kept their ascendency in most of the constituencies, and the first policy of the government was not stayed.

Meanwhile North Carolina (November 21, 1789)



VIEW OF BROAD STREET AND CITY HALL, NEW YORK, 1780

and Rhode Island (May 29, 1790) had come into the Union, and the original roster of the States was complete again. Two more States were presently added: Vermont, — "the New Hampshire Grants," territory which New York and New Hampshire both had claimed,—in March, 1791, and Kentucky, Virginia's lusty and restive offspring, in June, 1792. Whatever doubts of policy or contests of party marked those opening days with threat of divided counsels, the Union was at least established,—was already expected to last. Kentucky's incorporation within it showed that the hopeful West was turning to it. Public questions touched its measures, but had already ceased to touch its life. A veritable government had at last been set

up to hold the country together. It had been "a novelty in the history of society," as de Tocqueville said, "to see a great people turn a calm and scrutinizing eye upon itself, when apprised that the wheels of government had stopped; to see it carefully examine the extent of the evil, and patiently wait until a remedy was discovered, which it voluntarily adopted, without having wrung a tear or a drop of blood from mankind." But this the people of America had done, under the men who had called upon them to amend the Articles of Confederation and provide themselves with a real government: under the men who, with Washington, had set that government up and given it immediate credit and standing in the world.[1]

The general *authorities* for this period are the sixth volume of Bancroft's History and his *History of the Constitution;* the third volume of Hildreth; the second volume of Timothy Pitkin's *Political and Civil History of the United States;* the first volume of George Tucker's *History of the United States;* John Fiske's vivid *Critical Period of American History;* George Ticknor Curtis's *Constitutional History of the United States, History of the Origin, Formation, and Adoption of the Constitution,* and *The Constitution of the United States and its History,* in the seventh volume of Winsor's *Narrative and Critical History of America;* John B. McMaster's *History of the People of the United States;* Francis N. Thorpe's *Constitutional History of the American People* and *Constitutional History of the United States;* Richard Frothingham's *Rise of the Republic of the United States;* Judson S. Landon's *Constitutional History and Government of the United States;* C. Ellis Stevens's *Sources of the Constitution of the United States;* George Gibbs's *Memoirs of the Administrations of Washington and Adams;* Edward Stanwood's *History of the Presidency;* J. P. Gordy's *History of Political Parties in the United States;* and Joseph Story's *Commentaries on the Constitution of the United States.* Hermann von Holst's *Constitutional and Political History of the United States* and James Schouler's *History of the United States of America under the Constitution* here begin to serve us as guides and mentors.

[1] See pages 263, 272.

The *sources* are to be found in the published writings and correspondence of the leading men of the time; the *Annals of Congress;* Jonathan Elliot's *Debates on the Federal Constitution; The Federalist;* Thomas H. Benton's *Abridgment of the Debates of Congress;* the federal *Statutes at Large; The American State Papers;* Niles's *Weekly Register;* H. D. Gilpin's *Papers of James Madison;* Paul L. Ford's *Pamphlets on the Constitution of the United States* and *Essays on the Constitution;* Thomas Jefferson's *Anas;* and William Maclay's *Journal,* covering his service in the first Senate of the United States.

PART II
ORIGINAL DOCUMENTS
1765–1792

ORIGINAL DOCUMENTS

Colonial Petition and Memorials Following the Declarations of the Stamp Act Congress of 1765

The Declarations of the Rights and Grievances of the Colonists was adopted by the Stamp Act Congress, October 19, 1765. On the 22d, the "Freeholders and other Inhabitants of the colonies of Massachusetts Bay, Rhode Island and Providence Plantations, New York, New Jersey, Pennsylvania, the government of the counties of New Castle, Kent, and Sussex, upon Delaware, and province of Maryland," adopted a petition to the King, and, on the following day, a separate memorial to each House of Parliament, all in behalf of their "rights and liberties." (See page 26, Vol. IV.[1])

The Petition to the King

Most humbly showeth,

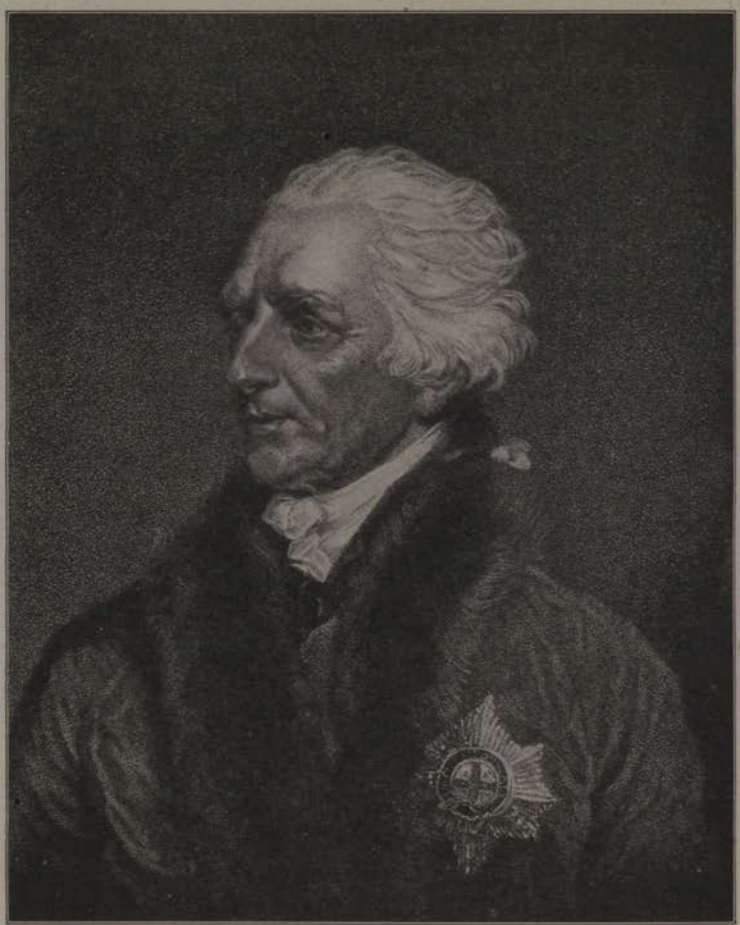
That the inhabitants of these colonies, unanimously devoted with the warmest sentiments of duty and affection to your sacred person and government, and inviolably attached to the present happy establishment of the Protestant succession in your illustrious house, and deeply sensible of your royal attention to their prosperity and happiness, humbly beg leave to approach the throne, by representing to your majesty,

[1] The final page references in the introductions are to allusions in the History which are explained and illustrated in these documents.

that these colonies were originally planted by subjects of the British crown, who, animated with the spirit of liberty, encouraged by your majesty's royal predecessors, and confiding in the public faith for the enjoyment of all the rights and liberties essential to freedom, emigrated from their native country to this continent, and, by their successful perseverance, in the midst of innumerable dangers and difficulties, together with a profusion of their blood and treasure, have happily added these vast and extensive dominions to the Empire of Great Britain.

That, for the enjoyment of these rights and liberties, several governments were early formed in the said colonies, with full power of legislation, agreeably to the principles of the English constitution;—that, under these governments, these liberties, thus vested in their ancestors, and transmitted to their posterity, have been exercised and enjoyed, and by the inestimable blessings thereof, under the favor of Almighty God, the inhospitable deserts of America have been converted into flourishing countries; science, humanity, and the knowledge of divine truths diffused through remote regions of ignorance, infidelity, and barbarism; the number of British subjects wonderfully increased, and the wealth and power of Great Britain proportionably augmented.

That, by means of these settlements and the unparalleled success of your majesty's arms, a foundation is now laid for rendering the British empire the most extensive and powerful of any recorded in history; our connexion with this empire we esteem our greatest happiness and security, and humbly conceive it may now be so established by your royal wisdom, as to endure to the latest period of time; this, with the most humble submission to your majesty, we apprehend will be most effectually accomplished by fixing the pillars thereof of liberty and justice, and securing the inherent rights and liberties of your subjects here, upon the principles



THE DUKE OF GRAFTON (AUGUSTUS HENRY FITZROY)

(From an engraving by E. Bocquet after a picture by J. Hoppner. The Duke of Grafton was secretary of state under Rockingham in 1765–1766, and in 1766, when Pitt became Prime Minister, Grafton was made First Lord of the Treasury, and owing to Pitt's illness he undertook the duties of the Premier in 1770)

of the English constitution. To this constitution, these two principles are essential; the rights of your faithful subjects freely to grant to your majesty such aids as are required for the support of your government over them, and other public exigencies; and trials by their peers. By the one they are secured from unreasonable impositions, and by the other from the arbitrary decisions of the executive power. The continuation of these liberties to the inhabitants of America, we ardently implore, as absolutely necessary to unite the several parts of your wide-extended dominions, in that harmony so essential to the preservation and happiness of the whole. Protected in these liberties, the emoluments Great Britain receives from us, however great at present, are inconsiderable, compared with those she has the fairest prospect of acquiring. By this protection, she will for ever secure to herself the advantages of conveying to all Europe, the merchandize which America furnishes, and for supplying, through the same channel, whatsoever is wanted from thence. Here opens a boundless source of wealth and naval strength. Yet these immense advantages, by the abridgment of those invaluable rights and liberties, by which our growth has been nourished, are in danger of being for ever lost, and our subordinate legislatures in effect rendered useless by the late acts of parliament imposing duties and taxes on these colonies, and extending the jurisdiction of the courts of admiralty here, beyond its ancient limits; statutes by which your majesty's commons in Britain undertake absolutely to dispose of the property of their fellow-subjects in America with out their consent, and for the enforcing whereof, they are subjected to the determination of a single judge, in a court unrestrained by the wise rules of the common law, the birthright of Englishmen, and the safeguard of their persons and properties.

The invaluable rights of taxing ourselves and trial



WILLIAM MURRAY, FIRST EARL OF MANSFIELD

(In 1765 he became Chief Justice of England, and during the debate on the Stamp Tax stated that the Colonists are as much represented in Parliament as are the English People)

by our peers, of which we implore your majesty's protection, are not, we most humbly conceive, unconstitutional, but confirmed by the Great Charter of English liberties. On the first of these rights the honorable house of commons found their practice of originating money, a right enjoyed by the kingdom of Ireland, by the clergy of England, until relinquished by themselves; a right, in fine, which all other your majesty's English subjects, both within and without the realm, have hitherto enjoyed.

With hearts, therefore, impressed with the most indelible characters of gratitude to your majesty, and to the memory of the kings of your illustrious house, whose reigns have been signally distinguished by their auspicious influence on the prosperity of the British dominions; and convinced by the most affecting proofs of your majesty's paternal love to all your people, however distant, and your unceasing and benevolent desires to promote their happiness; we most humbly beseech your majesty that you will be graciously pleased to take into your royal consideration the distresses of your faithful subjects on this continent, and to lay the same before your majesty's parliament, and to afford them such relief as, in your royal wisdom, their unhappy circumstances shall be judged to require.

And your petitioners will pray, &c.

Memorial to the Lords Spiritual and Temporal

Most humbly showeth,

That his majesty's liege subjects in his American colonies, though they acknowledge a due subordination to that august body the British parliament, are entitled, in the opinion of your memorialists, to all the inherent rights and liberties of the natives of Great Britain, and have, ever since the settlement of the said

colonies, exercised those rights and liberties, as far as their local circumstances would permit.

That your memorialists humbly conceive one of the most essential rights of these colonists, which they have ever till lately uninterruptedly enjoyed, to be trial by jury.

That your memorialists also humbly conceive another of these essential rights, to be the exemption from all taxes, but such as are imposed on the people by the several legislatures in these colonies, which rights they have also till of late enjoyed. But your memorialists humbly beg leave to represent to your lordships, that the act granting certain stamp duties in the British colonies in America, &c., fills his majesty's American subjects with the deepest concern, as it tends to deprive them of the two fundamental and invaluable rights and liberties above mentioned; and that several other late acts of parliament, which extend the jurisdiction and power of courts of admiralty in the plantations beyond their limits in Great Britain, thereby make an unnecessary, unhappy distinction, as to the modes of trial between us and our fellow-subjects there, by whom we never have been excelled in duty and loyalty to our sovereign.

That from the natural connexion between Great Britain and America, the perpetual continuance of which your memorialists most ardently desire, they conceive that nothing can conduce more to the interest of both, than the colonists' free enjoyment of their rights and liberties, and an affectionate intercourse between Great Britain and them. But your memorialists (not waiving their claim to these rights, of which, with the most becoming veneration and deference to the wisdom and justice of your lordships, they apprehend, they cannot reasonably be deprived), humbly represent, that, from the peculiar circumstances of these colonies, the duties imposed by the aforesaid act, and several other late acts

of parliament, are extremely grievous and burdensome; and the payment of the several duties will very soon, for want of specie become absolutely impracticable; and that the restrictions on trade by the said acts, will not only distress the colonies, but must be extremely detrimental to the trade and true interest of Great Britain.

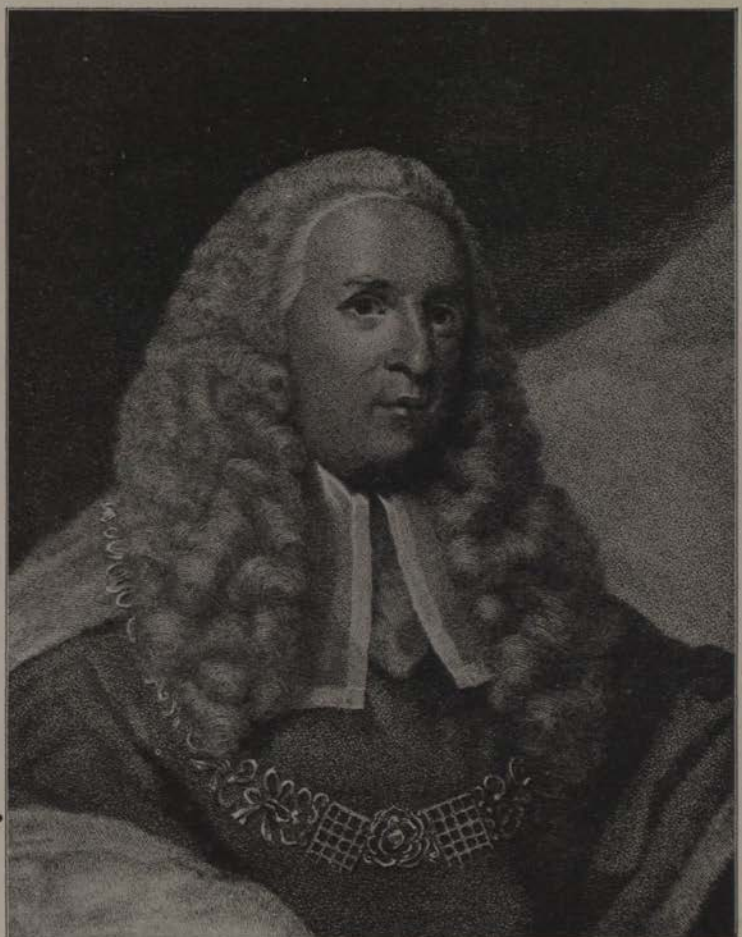
Your memorialists, therefore, impressed with a just sense of the unfortunate circumstances of the colonies, the impending destructive consequences which must necessarily ensue from the execution of these acts, and animated with the warmest sentiments of filial affection for their mother country, most earnestly and humbly entreat your lordships will be pleased to hear their council in support of this memorial, and take the premises into your most serious consideration, and that your lordships will also be thereupon pleased to pursue such measures for restoring the just rights and liberties of the colonies, and preserving them for ever inviolate; for redressing their present, and preventing future grievances, thereby promoting the united interests of Great Britain and America, as to your lordships, in your great wisdom, shall seem most conducive and effectual to that important end.

And your memorialists will pray, &c.

Memorial to the Knights, Citizens, and Burgesses

Most humbly showeth,

That the several late acts of parliament, imposing divers duties and taxes on the colonies, and laying the trade and commerce under very burdensome restrictions; but above all, the act for granting and applying certain stamp duties in America, have filled them with the deepest concern and surprise, and they humbly conceive the execution of them will be attended with con-



CHARLES PRATT, FIRST EARL OF CAMDEN

(From an engraving by E. Bocquet after the picture by Sir Joshua Reynolds. Camden was lord chancellor from 1766 to 1770. In 1765 in his maiden speech in the House of Lords he denounced the passing of the Stamp Act as a breach of the constitution. Subsequently, in a speech against the declaratory bill, he maintained that taxation without representation was sheer robbery. His views on these questions, and on most political questions later, met the vehement opposition of Lord Mansfield)

sequences very injurious to the commercial interests of Great Britain and her colonies, and must terminate in the eventual ruin of the latter. Your petitioners, therefore, most ardently implore the attention of the honorable house to the united and dutiful representation of their circumstances, and to their earnest supplications for relief from their regulations, that have already involved this continent in anxiety, confusion, and distress. We most sincerely recognise our allegiance to the crown, and acknowledge all due subordination to the parliament of Great Britain, and shall always retain the most grateful sense of their assistance and approbation; it is from and under the English constitution we derive all our civil and religious rights and liberties; we glory in being subjects of the best of kings, having been born under the most perfect form of government. But it is with the most ineffable and humiliating sorrow that we find ourselves of late deprived of the right of granting our own property for his majesty's service, to which our lives and fortunes are entirely devoted, and to which, on his royal requisitions, we have been ready to contribute to the utmost of our abilities.

We have also the misfortune to find that all the penalties and forfeitures mentioned in the stamp act, and divers late acts of trade extending to the plantations, are, at the election of the informers, recoverable in any court of admiralty in America. This, as the newly erected court of admiralty has a general jurisdiction over all British America, renders his majesty's subjects in these colonies liable to be carried, at an immense expense, from one end of the continent to the other. It always gives us great pain to see a manifest distinction made therein between the subjects of our mother country and the colonies, in that the like penalties and forfeitures recoverable there only in his majesty's courts of record, are made cognisable here by a court of admiralty. By this means we seem to be, in effect, un-

happily deprived of two privileges essential to freedom, and which all Englishmen have ever considered as their best birthrights—that of being free from all taxes but such as they have consented to in person, or by their representatives, and of trial by their peers.

Your petitioners further show, that the remote situation and other circumstances of the colonies, render it impracticable that they should be represented but in their respective subordinate legislatures; and they humbly conceive that the parliament adhering strictly to the principles of the constitution, have never hitherto taxed any but those who were therein actually represented; for this reason, we humbly apprehend, they never have taxed Ireland, nor any other of the subjects without the realm. But were it ever so clear, that the colonies might in law be reasonably represented in the honorable house of commons, yet we conceive that very good reasons, from inconvenience, from the principles of true policy, and from the spirit of the British constitution, may be adduced to show, that it would be for the real interest of Great Britain, as well as her colonies, that the late regulations should be rescinded, and the several acts of parliament imposing duties and taxes on the colonies, and extending the jurisdiction of the courts of admiralty here, beyond their ancient limits, should be repealed.

We shall not attempt a minute detail of all the reasons which the wisdom of the honorable house may suggest, on this occasion, but would humbly submit the following particulars to their consideration:

That money is already very scarce in these colonies, and is still decreasing by the necessary exportation of specie from the continent for the discharging of our debts to British merchants; that an immensely heavy debt is yet due from the colonists for British manufactures, and that they are still heavily burdened with taxes to discharge the arrearages due for aids granted

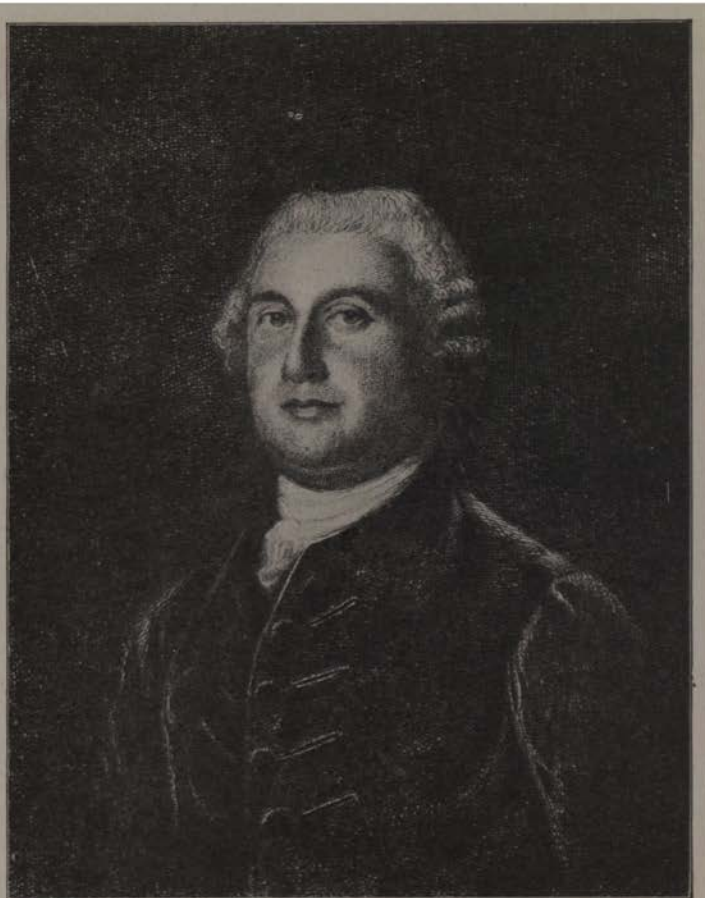
by them in the late war; that the balance of trade will ever be much against the colonies, and in favor of Great Britain, whilst we consume her manufactures; the demand of which must ever increase in proportion to the number of inhabitants settled here, with the means of purchasing them. We, therefore, humbly conceive it to be the interest of Great Britain to increase rather than diminish those means, as the profit of all the trade of the colonies ultimately centres there to pay for her manufactures, as we are not allowed to purchase elsewhere, and by the consumption of which at the advanced prices the British taxes oblige the makers and venders to set on them, we eventually contribute very largely to the revenues of the crown.

That, from the nature of American business, the multiplicity of suits and papers used in matters of small value, in a country where freeholds are so minutely divided, and property so frequently transferred, a stamp duty must be ever very burdensome and unequal.

That it is extremely improbable that the honorable house of commons should at all times be thoroughly acquainted with our condition, and all facts requisite to a just and equal taxation of the colonies.

It is also humbly submitted whether there be not a material distinction, in reason and sound policy, at least, between the necessary exercise of parliamentary jurisdiction in general acts, and the common law, and the regulations of trade and commerce, through the whole empire, and the exercise of that jurisdiction by imposing taxes on the colonies.

That the several subordinate provincial legislatures have been moulded into forms as nearly resembling that of the mother country, as by his majesty's royal predecessors was thought convenient; and these legislatures seem to have been wisely and graciously established, that the subjects in the colonies might, under the due administration thereof enjoy the happy fruits



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Fra, Bernard

SIR FRANCIS BERNARD

(From the painting by Copley in possession of Christ Church College, Oxford. In 1758 Bernard was appointed governor of New Jersey, and in 1760 he was transferred to Massachusetts, where he supported all measures obnoxious to the colonies. After a stormy administration of nearly nine years he was recalled and created a baronet. He became so thoroughly unpopular while governor of Massachusetts that when he left Boston the bells were rung, cannon were fired, and the "liberty tree" was hung with flags in token of the joy of the people.)

of the British government, which in their present circumstances they cannot be so fully and clearly availed of any other way.

Under these forms of government we and our ancestors have been born or settled, and have had our lives, liberties, and properties protected; the people here, as everywhere else, retain a great fondness of their old customs and usages, and we trust that his majesty's service, and the interest of the nation, so far from being obstructed, have been vastly promoted by the provincial legislatures.

That we esteem our connexion with and dependence on Great Britain, as one of our greatest blessings, and apprehend the latter will be sufficiently secure, when it is considered that the inhabitants in the colonies have the most unbounded affection for his majesty's person, family, and government, as well as for the mother country, and that their subordination to the parliament is universally acknowledged.

We, therefore, most humbly entreat that the honorable house would be pleased to hear our counsel in support of this petition, and to take our distressed and deplorable case into their serious consideration, and that the acts and clauses of acts so grievously restraining our trade and commerce, imposing duties and taxes on our property, and extending the jurisdiction of the court of admiralty beyond its ancient limits, may be repealed; or that the honorable house would otherwise relieve your petitioners, as in your great wisdom and goodness shall seem meet.

And your petitioners shall ever pray, &c.

The Massachusetts Election Sermon of 1776

The Rev. Samuel West, pastor of the Congregational Church of Dartmouth, Massachusetts, delivered a remarkable election sermon at Boston, May 29, 1776. It was characteristic of the religious sense of America during the Revolution in its highly patriotic tone. The sermons of this nature had as much popular political influence as had the papers of Paine and Cobbett. The following selections from the beginning and middle of the sermon are reprinted from the original printed by John Gill, of Boston, in 1776. (See page 30, Vol. IV).

Titus, chapter 3d, verse 1st. Put them in mind to be subject to principalities and powers, to obey magistrates, to be ready to every good work.

The great Creator having design'd the human race for society, has made us dependent on one another for happiness; he has so constituted us, that it becomes both our duty and interest, to seek the public good. And that we may be the more firmly engaged to promote each others welfare, the Deity has endowed us with tender and social affections, with generous and benevolent principles: Hence the pain, that we feel in seeing an object of distress: Hence the satisfaction, that arises in relieving the afflicted, and the superior pleasure, which we experience in communicating happiness to the miserable. The Deity has also invested us with moral powers and faculties, by which we are enabled

to discern the difference between right and wrong, truth and falsehood, good and evil: Hence the approbation of mind, that arises upon doing a good action, and the remorse of conscience, which we experience, when we counteract the moral sense, and do that which is evil. This proves, that in what is commonly called a state of nature, we are the subjects of the divine law and government, that the Deity is our supreme magistrate, who has written his law in our hearts, and will reward, or punish us, according as we obey or disobey his commands. Had the human race uniformly persevered in a state of moral rectitude, there would have been little, or no need of any other law, besides that which is written in the heart; for every one in such a state would be a law unto himself. There could be no occasion for enacting or enforcing of penal laws, for such are not made for the righteous man, but for the lawless and disobedient, for the ungodly, and for sinners, for the unholy and profane, for murderers of mothers, for manslayers, for whoremongers, for them that defile themselves with mankind, for men-stealers, for liars, for perjured persons, and if there be any other thing, that is contrary to moral rectitude, and the happiness of mankind.

The necessity of forming ourselves into politic bodies, and granting to our rulers, a power to enact laws for the public safety, and to enforce them by proper penalties, arises from our being in a fallen, and degenerate estate: The slightest view of the present state and condition of the human race, is abundantly sufficient to convince any person of common sense, and common honesty, that civil government is absolutely necessary for the peace and safety of mankind, and consequently that all good magistrates, while they faithfully discharge the trust reposed in them, ought to be religiously and conscienciously obeyed. An enemy to good government is an enemy not only to his country, but to all

mankind; for he plainly shews himself to be divested of those tender and social sentiments, which are characteristick of an human temper, even to that generous and benevolent disposition, which is the peculiar glory of a rational creature. An enemy to good government has degraded himself below the rank and dignity of a man, and deserves to be classed with the lower creation. Hence we find, that wise and good men of all nations, and religious have ever inculcated subjection to good government, and have born their testimony against the licencious disturbers of the public peace. . . .

The authority of a tyrant is of itself null and void; for as no man can have a right to act contrary to the law of nature, it is impossible that any individual, or even the greatest number of men, can confer a right upon another of which they themselves are not possessed, i.e., no body of men can justly and lawfully authorize any person to tyrannize over, and enslave his fellow creatures or to do any thing contrary to equity and goodness. As magistrates have no authority, but what they derive from the people, whenever they act contrary to the public good, and pursue measures destructive of the peace and safety of the community, they forfeit their right to govern the people. Civil rulers and magistrates are properly of human creation; they are set up by the people to be the guardians of their rights, and to secure their persons from being injured, or oppressed; the safety of the public being the supreme law of the state, by which the magistrates are to be governed, and which they are to consult upon all occasions. The modes of administration may be very different, and the forms of government may vary from each other in different ages and nations; but under every form, the end of civil government is the same and can not vary.

Address of the First Continental Congress to the People of Great Britain, 1774

This address and the articles which follow are the most important addresses of the First Continental Congress. From "Journals of Congress from 1774 to 1778, Ed. of 1823," Vol. I., pp. 36–43, 46–49. (See page 26, Vol., IV.)

When a nation, led to greatness by the hand of liberty, and possessed of all the glory that heroism, munificence, and humanity can bestow, descends to the ungrateful task of forging chains for her friends, and children, and instead of giving support to freedom, turns advocate for slavery and oppression, there is reason to suspect she has ceased to be virtuous, or been extremely negligent in the appointment of her rulers.

In almost every age, in repeated conflicts, in long and bloody wars, as well civil as foreign, against many and powerful nations, against the open assaults of enemies, and the more dangerous treachery of friends, have the inhabitants of your Island, your great and glorious ancestors, maintained their independence, and transmitted the rights of men, and the blessings of liberty, to you, their posterity.

Be not surprised, therefore, that we, who are descended from the same common ancestors; that we, whose forefathers participated in all the rights, the liberties, and the Constitutions you so justly boast of, and who have carefully conveyed the same fair inheritance to us, guaranteed by the plighted faith of govern-

ment and the most solemn compacts with British sovereigns, should refuse to surrender them to men, who found their claims on no principles of reason, and who prosecute them with a design, that by having our lives and property in their power, they may, with the great-



AN ENGLISH POLITICIAN
(After W. Hogarth)

est facility, enslave you. The cause of America is now the object of universal attention: it has at length become very serious. This unhappy country has not only been oppressed, but abused and misrepresented; and the duty we owe ourselves and posterity, to your interest, and the general welfare of the British empire, leads us to address you on this very important subject.

Know then, That we consider ourselves, and do insist, that we are and ought to be, as free as our fellow subjects in Britain, and that no power on earth has a right to take our property from us, without our consent. That we claim all the benefits secured to its subjects by the English constitution, and particularly that inestimable one of trial by jury. That we hold it essential to English liberty, that no man be condemned unheard, or punished for supposed offences, without having an opportunity of making his defence. That we think the legislature of Great Britain is not authorized, by the constitution, to establish a religion, fraught with sanguinary and impious tenets, or to erect an arbitrary form of government, in any quarter of the globe. These rights we, as well as you, deem sacred; and yet, sacred as they are, they have, with many others, been repeatedly and flagrantly violated.

Are not the proprietors of the soil of Great Britain, lords of their own property? can it be taken from them without their consent? will they yield it to the arbitrary disposal of any man, or number of men whatever? You know they will not. Why then are the proprietors of the soil in America less lords of their property than you are of yours? or why should they submit it to the disposal of your parliament, or of any other parliament, or council in the world, not of their election? Can the intervention of the sea that divides us, cause disparity in rights, or can any reason be given why English subjects who live three thousand miles from the royal palace, should enjoy less liberty than those who are three hundred miles distant from it?

Reason looks with indignation on such distinction, and freemen can never perceive their propriety. And yet, however chimerical and unjust such discriminations are, the parliament assert they have a right to bind us, in all cases, without exception, whether we consent or not; that they may take and use our property when

and in what manner they please; that we are pensioners on their bounty, for all that we possess, and can hold it no longer than they vouchsafe to permit. Such declarations we consider as heresies in English politics; and which can no more operate to deprive us of our property, than the interdicts of the pope can divest kings of sceptres, which the laws of the land and the voice of the people have placed in their hands.

At the conclusion of the late war—a war rendered glorious by the abilities and integrity of a minister, to whose efforts the British empire owes its safety and its fame; at the conclusion of this war, which was succeeded by an inglorious peace, formed under the auspices of a minister of principles and of a family unfriendly to the Protestant cause, and inimical to liberty: we say, at this period, and under the influence of that man, a plan for enslaving your fellow subjects in America was concerted, and has ever since been pertinaciously carrying into execution.

Prior to this era you were content with drawing from us the wealth produced by our commerce. You constrained our trade in every way that would conduce to your emoluments. You exercised unbounded sovereignty over the seas. You named the ports and nations to which alone our merchandise should be carried, and with whom alone we should trade: and though some of these restrictions were grievous, we nevertheless did not complain; we looked up to you as to our parent state, to which we were bound by the strongest ties, and were happy in being instrumental to your prosperity and your grandeur.

We call upon you yourselves, to witness our loyalty and attachment to the common interest of the whole empire: did we not, in the last war, add all the strength of this vast continent to the force which repelled our common enemy? did we not leave our native shores, and meet disease and death, to promote the success of

British arms in foreign climates? did you not thank us for our zeal, and even reimburse us large sums of money, which you confessed we had advanced beyond our proportion and far beyond our abilities? You did.

To what causes, then, are we to attribute the sudden change of treatment, and that system of slavery which was prepared for us at the restoration of peace?

Before we had recovered from the distresses which ever attend war, an attempt was made to drain this country of all its money, by the oppressive stamp act. Paint, glass, and other commodities, which you would not permit us to purchase of other nations, were taxed; nay, although no wine is made in any country subject to the British state, you prohibited our procuring it of foreigners without paying a tax, imposed by your parliament, on all we imported. These and many other impositions were laid upon us most unjustly and unconstitutionally for the express purpose of raising a revenue. In order to silence complaint it was, indeed, provided, that this revenue should be expended in America, for its protection and defence. These exactions, however, can receive no justification from a pretended necessity of protecting and defending us; they are lavishly squandered on court favorites and ministerial dependants, generally avowed enemies to America, and employing themselves by partial representations to traduce and embroil the colonies. For the necessary support of government here we ever were and ever shall be ready to provide. And whenever the exigencies of the state may require it, we shall, as we have heretofore done, cheerfully contribute our full proportion of men and money. To enforce this unconstitutional and unjust scheme of taxation, every fence that the wisdom of our British ancestors had carefully erected against arbitrary power, has been violently thrown down in America, and the inestimable right of trial by jury taken away in cases that touch both life and property. It was or-

dained, that whenever offences should be committed in the colonies against particular acts, imposing various duties and restrictions upon trade, the prosecutor might bring his action for penalties in the courts of admiralty;



THE MANSION HOUSE
(The official residence of the Lord Mayor)

by which means the subject lost the advantage of being tried by an honest, uninfluenced jury of the vicinage, and was subjected to the sad necessity of being judged by a single man, a creature of the crown, and according to the course of a law, which exempted the prosecutor

of the trouble of proving his accusation, and obliges the defender either to evince his innocence, or suffer. To give this new judiciary the greater importance, and as if with design to protect false accusers, it is further provided that the judge's certificate of there having been probable causes of seizure and prosecution, shall protect the prosecutors from actions at common law for recovery of damages.

By the course of our laws, offences committed in such of the British dominions, in which courts are established and justice duly and regularly administered, shall be there tried by a jury of the vicinage. There the offenders and the witnesses are known, and the degree of credibility, to be given to their testimony can be ascertained.

In all these colonies, justice is regularly and impartially administered, and yet, by the construction of some, and the direction of other acts of parliament, offenders are to be taken by force, together with all such persons as may be pointed out as witnesses, and carried to England, there to be tried in a distant land, by a jury of strangers, and subject to all the disadvantages that result from want of friends, want of witnesses, and want of money.

When the design of raising a revenue, from the duties imposed on the importation of tea in America, had in a great measure been rendered abortive, by our ceasing to import that commodity, a scheme was concerted by the ministry with the East India company, and an act passed, enabling and encouraging them to transport and vend it in the colonies. Aware of the danger of giving success to this insidious manœuvre, and of permitting a precedent of taxation thus to be established among us, various methods were adopted to elude the stroke. The people of Boston, then ruled by a governor whom, as well as his predecessor, Sir Francis Bernard, all America considers as her enemy, were exceedingly em-

barrassed. The ships which had arrived with the tea were, by his management, prevented from returning. The duties would have been paid, the cargoes landed and exposed to sale; a governor's influence would have procured and protected many purchasers. While the town was suspended by deliberations on this important subject, the tea was destroyed. Even supposing a trespass was thereby committed, and the proprietors of the tea entitled to damages, the courts of law were open, and judges, appointed by the crown, presided in them. The East India company, however, did not think proper to commence any suits, nor did they even demand satisfaction, either from individuals or from the community in general. The ministry, it seems, officially made the case their own, and the great council of the nation descended to intermeddle with a dispute about private property. Divers papers, letters, and other unauthenticated *ex-parte* evidence were laid before them; neither the persons who destroyed the tea nor the people of Boston, were called upon to answer the complaint. The ministry, incensed by being disappointed in a favorite scheme, were determined to recur from the little arts of finesse, to open force and unmanly violence. The port of Boston was blocked up by a fleet, and an army placed in the town. Their trade was to be suspended, and thousands reduced to the necessity of gaining subsistence from charity, till they should submit to pass under the yoke, and consent to become slaves, by confessing the omnipotence of parliament, and acquiescing in whatever disposition they might think proper to make of their lives and property.

Let justice and humanity cease to be the boast of your nation! consult your history, examine your records of former transactions; nay, turn to the annals of the many arbitrary states and kingdoms that surround you, and show us a single instance of men being condemned to suffer for imputed crimes, unheard, unquestioned,



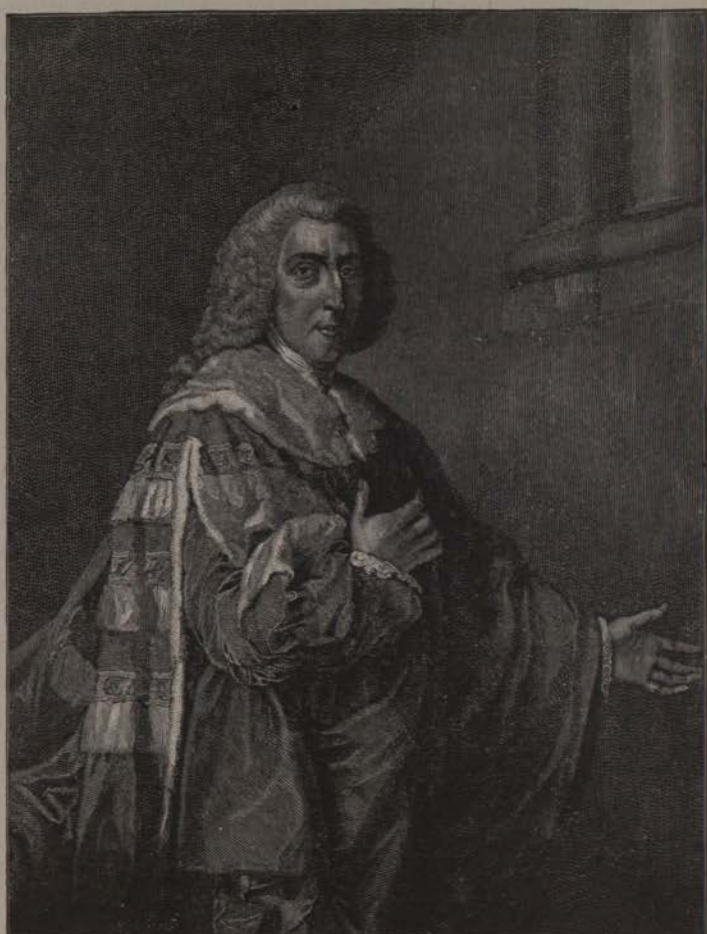
THE ADMIRALTY BUILDING IN 1780

(From an old print)

and without even the specious formality of a trial; and that, too, by laws made expressly for the purpose, and which had no existence at the time of the fact committed. If it be difficult to reconcile these proceedings to the genius and temper of your laws and constitution, the task will become more arduous when we call upon our ministerial enemies to justify, not only condemning men untried and by hearsay, but involving the innocent in one common punishment with the guilty, and for the acts of thirty or forty, to bring poverty, distress, and calamity, on thirty thousand souls, and these not your enemies, but your friends, brethren, and fellow subjects.

It would be some consolation to us, if the catalogue of American oppressions ended here. It gives us pain to be reduced to the necessity of reminding you, that under the confidence reposed in the faith of government, pledged in a royal charter from the British sovereign, the forefathers of the present inhabitants of Massachusetts Bay, left their former habitations, and established that great, flourishing, and loyal colony. Without incurring or being charged with a forfeiture of their right, without being heard, without being tried, and without justice, by an act of parliament this charter is destroyed, their liberties violated, their constitutions and form of government changed; and all this upon no better pretence than because in one of their towns a trespass was committed upon some merchandise, said to belong to one of the companies, and because the ministry were of opinion, that such high political regulations were necessary to due subordination and obedience to these mandates.

Nor are these the only capital grievances under which we labor; we might tell of dissolute, weak, and wicked governors having been set over us; of legislatures being suspended for asserting the rights of British subjects; of needy and ignorant dependants on great men advanced to the seats of justice, and to other places of



WILLIAM PITT, EARL OF CHATHAM
(From the portrait by Richard Brompton)

trust and importance; of hard restrictions on commerce, and a great variety of lesser evils, the recollection of which is almost lost under the pressure and weight of greater and more poignant calamities.

Now mark the progression of the ministerial plan for enslaving us.

Well aware that such hardy attempts to take our property from us, to deprive us of that valuable right of trial by jury, to seize our persons and carry us for trial to Great Britain, to blockade our ports, to destroy our charters, and change our form of government, would occasion, and had already occasioned, great discontent in the colonies, which would produce opposition to these measures, an act was passed to protect, indemnify, and screen from punishment, such as might be guilty even of murder, in endeavoring to carry their oppressive edicts into execution; and by another act the dominion of Canada is to be so extended, modelled, and governed, as that by being disunited from us, detached from our interests, by civil as well as religious prejudices, that by their numbers daily swelling with Catholic emigrants from Europe, and by their devotion to administration, so friendly to their religion, they might become formidable to us, and on occasion, be fit instruments in the hands of power to reduce the ancient, free Protestant colonies to the same state of slavery with themselves.

This was evidently the object of the act; and in this view, being extremely dangerous to our liberty and quiet, we cannot forbear complaining of it, as hostile to British America. Superadded to these considerations, we cannot help deploring the unhappy condition to which it has reduced the many English settlers, who, encouraged by the royal proclamation, promising the enjoyment of all their rights, have purchased estates in that country. They are now the subjects of an arbitrary government, deprived of trial by jury, and when imprisoned, cannot claim the benefit of the *Habeas corpus* act, that great

bulwark and palladium of English liberty; nor can we suppress our astonishment, that a British parliament should ever consent to establish in that country a religion that has deluged your island in blood, and dispersed impiety, bigotry, persecution, murder, and rebellion through every part of the world.

This being a true state of facts, let us beseech you to consider to what end they lead.

Admit the ministry, by the powers of Britain, and the aid of our Roman Catholic neighbors, should be able to carry the point of taxation, and reduce us to a state of perfect humiliation and slavery. Such an enterprise would doubtless make some addition to your national debt, which already presses down your liberty, and fills you with pensioners and placemen. We presume, also, that your commerce will be somewhat diminished. However, suppose you should prove victorious, in what condition will you then be? What advantages or what laurels will you reap from such a conquest?

May not a ministry with the same armies enslave you?—it may be said, you will cease to pay them; but remember the taxes from America, the wealth, and we may add the men, and particularly the Roman Catholics of this vast continent, will then be in the power of your enemies; nor will you have any reason to expect, that after making slaves of us, many among us should refuse to assist in reducing you to the same abject state.

Do not treat this as chimerical. Know, that in less than half a century, the quit rents reserved for the crown, from the numberless grants of this vast continent, will pour large streams of wealth into the royal coffers; and if to this be added the power of taxing America at pleasure, the crown will be rendered independent of you for supplies, and will possess more treasure than may be necessary to purchase the remains of liberty in your island. In a word, take care that you do not fall into the pit that is preparing for us.

We believe there is yet much virtue, much justice, and much public spirit in the English nation. To that justice we now appeal. You have been told that we are seditious, impatient of government, and desirous of independency. Be assured that these are not facts, but calumnies. Permit us to be as free as yourselves, and we shall ever esteem a union with you to be our greatest glory and our greatest happiness; we shall ever be ready to contribute all in our power to the welfare of the empire; we shall consider your enemies as our enemies, and your interest as our own. But, if you are determined that your ministers shall want only sport with the rights of mankind—if neither the voice of justice, the dictates of the law, the principles of the constitution, nor the suggestions of humanity, can restrain your hands from shedding human blood in such an impious cause, we must tell you, that we will never submit to be hewers of wood or drawers of water, for any ministry or nation in the world.

Place us in the same situation that we were at the close of the last war, and our former harmony will be restored.

But, lest the same supineness, and the same inattention to our common interest, which you have for several years shown, should continue, we think it prudent to anticipate the consequences.

By the destruction of the trade of Boston, the ministry have endeavored to induce submission to their measures. The like fate may befall us all. We will endeavor, therefore, to live without trade, and recur, for subsistence, to the fertility and bounty of our native soil, which will afford us all the necessaries, and some of the conveniences, of life. We have suspended our importations from Great Britain and Ireland; and, in less than a year's time, unless our grievances should be redressed, shall discontinue our exports to those kingdoms and to the West Indies.

It is with the utmost regret, however, that we find ourselves compelled, by the overruling principles of self-preservation, to adopt measures detrimental in their consequences to numbers of our fellow subjects in Great Britain and Ireland. But we hope that the magnanimity and justice of the British nation will furnish a parliament of such wisdom, independence, and public spirit, as may save the violated rights of the whole empire from the devices of wicked ministers and evil counsellors, whether in or out of office; and thereby restore that harmony, friendship, and fraternal affection, between all the inhabitants of his majesty's kingdoms and territories, so ardently wished for by every true and honest American.

Adopted October 21, 1774.

Petition of the First Continental Congress to the King, 1774

To the King's Most Excellent Majesty

Most Gracious Sovereign:

We, your majesty's faithful subjects, of the colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, the counties of New Castle, Kent, and Sussex, on Delaware, Maryland, Virginia, North Carolina, and South Carolina, in behalf of ourselves and the inhabitants of these colonies who have deputed us to represent them in general congress, by this our humble petition beg leave to lay our grievances before the throne.

A standing army has been kept in these colonies ever since the conclusion of the late war, without the consent of our assemblies; and this army, with a considerable naval armament, has been employed to enforce the collection of taxes.

THE HUMBLE

ADDRESS

OF THE

Houſe of Commons

TO THE

KING.

Moſt Gracious Sovereign,

WE, Your Majeſty's moſt dutiful and loyal Subjects, the Commons of *Great Britain* in Parliament aſſembled, return Your Majeſty our humble Thanks, for Your moſt Gracious Speech from the Throne.

Permit us to aſſure Your Majeſty, that we receive with the higheſt Senſe of Your Majeſty's Goodneſs the early Infor-

 mation

REDUCED FACSIMILE OF PAGES 37 AND 38 OF "THE HUMBLE

mation which You have been pleaſed to give us of the State of the Province of *The Maſſachuſet's Bay*.

We feel the moſt ſincere Concern, that a Spirit of Diſobedience and Reſiſtance to the Law ſhould ſtill unhappily prevail in that Province, and that it has broke forth in freſh Violences of a moſt criminal Nature: And we cannot but lament that ſuch Proceedings ſhould have been countenanced and encouraged in any other of Your Majeſty's Colonies; and that any of Your Subjects ſhould have been ſo far deluded and miſled, as to make raſh and unwarrantable Attempts to obſtruct the Commerce of Your Majeſty's Kingdoms by unlawful Combinations.

We beg Leave to preſent our moſt dutiful Thanks to Your Majeſty, for having taken ſuch Meaſures as Your Majeſty judged moſt proper and effectual, for carrying into Execution the Laws, which were paſſed in the laſt Seſſion of the late Parliament, for the Protection and Security of the Commerce of Your Majeſty's Subjects, and for reſtoring and preſerving Peace, Order, and good Government, in the Province of *The Maſſachuſet's Bay*.

Your faithful Commons, animated by Your Majeſty's gracious Aſſurances, will uſe every Means in their Power to aſſiſt Your Majeſty in maintaining entire and inviolate the Supreme Authority of this Legiſlature over all the Dominions of Your Crown; being truly ſenſible that we ſhould betray the Truſt repoſed in us, and be wanting in every Duty which we owe to Your Majeſty and to our Fellow Subjects, if we failed to give our moſt zealous Support to thoſe great Conſtitutional Principles, which govern Your Majeſty's Conduct in this important Buſineſs, and which are ſo eſſential to the Diguity, Safety, and Welfare, of the *Britiſh* Empire.

We learn with great Satisfaction, that a Treaty of Peace is concluded between *Ruſſia* and the *Porte*; and that, by this happy Event, the general Tranquillity is rendered complete:

And

The authority of the commander-in-chief, and under him the brigadier-general, has in time of peace been rendered supreme in all the civil governments in America.

The commander-in-chief of all your majesty's forces in North America has in time of peace been appointed governor of a colony.

The charges of usual officers have been greatly increased, and new, expensive, and oppressive offices have been multiplied.

The judges of admiralty and vice-admiralty courts are empowered to receive their salaries and fees from the effects condemned by themselves.

The officers of the customs are empowered to break open and enter houses without the authority of any civil magistrate, founded on legal information.

The judges of courts of common law have been made entirely dependent on one part of the legislature for their salaries, as well as for the duration of their commissions.

Counsellors, holding their commissions during pleasure, exercise legislative authority.

Humble and reasonable petitions, from the representatives of the people, have been fruitless.

The agents of the people have been discountenanced, and governors have been instructed to prevent the payment of the salaries.

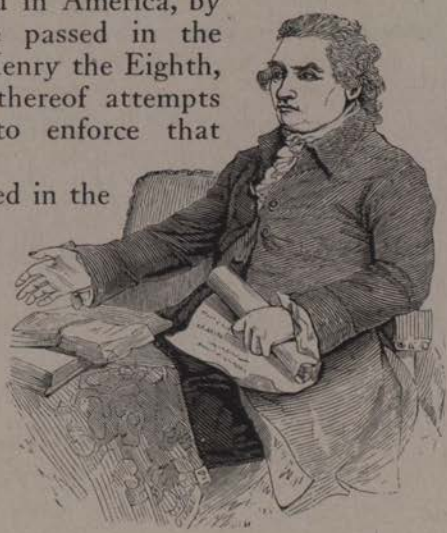
Assemblies have been repeatedly and injuriously dissolved.

Commerce has been burdened with many useless and oppressive restrictions.

By several acts of parliament made in the fourth, fifth, sixth, seventh, and eighth years of your majesty's reign, duties are imposed on us for the purpose of raising a revenue; and the powers of admiralty and vice-admiralty courts are extended beyond their ancient limits, whereby our property is taken from us without our consent, the trial by jury in many civil cases is

abolished, enormous forfeitures are incurred for slight offences, vexatious informers are exempted from paying damages to which they are justly liable, and oppressive security is required from owners before they are allowed to defend their right.

Both houses of parliament have resolved that colonists may be tried in England for offences alleged to have been committed in America, by virtue of a statute passed in the thirty-fifth year of Henry the Eighth, and in consequence thereof attempts have been made to enforce that statute.



COL. ISAAC BARRE
(Champion of American freedom in Parliament)

A statute was passed in the twelfth year of your majesty's reign, directing that persons charged with committing any offence therein described in any place out of the realm, may be indicted and tried for the same in any shire or county within the realm, whereby inhabitants of these colonies may, in sundry cases by that statute made capital. be deprived of a trial by their peers of the vicinage.

In the last session of parliament an act was passed for blocking up the harbor of Boston; another, empowering the governor of the Massachusetts Bay to send persons indicted for murder in that province to another colony, or even to Great Britain, for trial, whereby such offenders may escape legal punishment; a third for altering the chartered constitution of government in

that province; and a fourth for altering the limits of Quebec, abolishing the English and restoring the French laws, whereby great numbers of British Frenchmen are subjected to the latter, and establishing an absolute government and the Roman Catholic religion throughout those vast regions that border on the westerly and northerly boundaries of the free, Protestant, English settlements; and a fifth, for the better providing suitable quarters for officers and soldiers, in his majesty's service, in North America.

To a sovereign, who glories in the name of Britain, the bare recital of these acts must, we presume, justify the loyal subjects who fly to the foot of his throne and implore his clemency for protection against them.

From this destructive system of colony administration, adopted since the conclusion of the last war, have flowed those distresses, dangers, fears, and jealousies, that overwhelm your majesty's dutiful colonists with affliction; and we defy our most subtile and inveterate enemies to trace the unhappy differences between Great Britain and these colonies from an earlier period, or from other causes, than we have assigned.

Had they proceeded on our part from a restless levity of temper, unjust impulses of ambition, or artful suggestions of seditious persons, we should merit the opprobrious terms frequently bestowed upon us by those we revere. But so far from promoting innovations, we have only opposed them, and can be charged with no offence unless it be one to receive injuries, and be sensible of them.

Had our Creator been pleased to give us existence in a land of slavery, the sense of our condition might have been mitigated by ignorance and habit. But, thanks be to his adorable goodness, we were born the heirs of freedom, and ever enjoyed our right under the auspices of your royal ancestors, whose family was seated on the throne to rescue and secure a pious and gallant nation

from the popery and despotism of a superstitious and inexorable tyrant. Your majesty, we are confident, justly rejoices that your title to the crown is thus founded on the title of your people to liberty; and, therefore, we doubt not but your royal wisdom must approve the sensibility that teaches your subjects anxiously to guard the blessing they received from divine Providence, and



STATE COACH OF GEORGE III.
(South Kensington Museum)

thereby to prove the performance of that compact which elevated the illustrious house of Brunswick to the imperial dignity it now possesses.

The apprehension of being degraded into a state of servitude, from the pre-eminent rank of English freemen, while our minds retain the strongest love of liberty, and clearly foresee the miseries preparing for us and our posterity, excites emotions in our breasts which though we cannot describe, we should not wish to conceal. Feeling as men, and thinking as subjects in the manner

we do, silence would be disloyalty. By giving this faithful information, we do all in our power to promote the great objects of your royal cares, the tranquillity of your government and the welfare of your people.

Duty to your Majesty, and regard for the preservation of ourselves and our posterity, the primary obligations of nature and society, command us to entreat your royal attention; and as your Majesty enjoys the signal distinction of reigning over freemen, we apprehend the language of freemen cannot be displeasing. Your royal indignation, we hope, will rather fall on those designing and dangerous men, who, daringly, interposing themselves between your royal person and your faithful subjects, and for several years past incessantly employed to dissolve the bonds of society, by abusing your majesty's authority, misrepresenting your American subjects, and prosecuting the most desperate and irritating projects of oppression, have at length compelled us, by the force of accumulated injuries, too severe to be any longer tolerable, to disturb your Majesty's repose by our complaints.

These sentiments are extorted from hearts that much more willingly would bleed in your Majesty's service. Yet so greatly have we been misrepresented, that a necessity has been alleged of taking away our property from us without our consent, "to defray the charge of the administration of justice, the support of civil government, and the defence, protection, and security of the Colonies." But we beg leave to assure your Majesty that such provision has been, and will be made for defraying the two first articles, as has been, and shall be judged, by the Legislatures of the several Colonies, just and suitable to their respective circumstances: and, for the defence, protection, and security of the Colonies, their militia, if properly regulated, as they earnestly desire may immediately be done, would be fully sufficient, at least in times of peace; and, in case of war,

your faithful Colonists will be ready and willing, as they ever have been, when constitutionally required, to demonstrate their loyalty to your Majesty, by exerting their most strenuous efforts in granting supplies and raising forces. Yielding to no British subjects in affectionate attachment to your Majesty's person, family, and government, we too dearly prize the privilege of expressing that attachment by those proofs, that are honorable to the prince who receives them, and to the people who give them, ever to resign it to any body of men upon earth.

Had we been permitted to enjoy, in quiet, the inheritance left us by our forefathers, we should, at this time, have been peaceably, cheerfully, and usefully employed in recommending ourselves, by every testimony of devotion, to your Majesty, and of veneration to the state from which we derive our origin. But though now exposed to unexpected and unnatural scenes of distress by a contention with that nation, in whose parental guidance on all important affairs, we have hitherto, with filial reverence, constantly trusted, and therefore can derive no instruction in our present unhappy and perplexing circumstances from any former experience; yet we doubt not, the purity of our intention, and the integrity of our conduct, will justify us at that grand tribunal, before which all mankind must submit to judgment.

We ask but for peace, liberty, and safety. We wish not a diminution of the prerogative, nor do we solicit the grant of any new right in our favor. Your royal authority over us, and our connexion with Great Britain, we shall always carefully and zealously endeavor to support and maintain.

Filled with sentiments of duty to your Majesty, and of affection to our parent state, deeply impressed by our education, and strongly confirmed by our reason, and anxious to evince the sincerity of these dispositions,

we present this petition only to obtain redress of grievances, and relief from fears and jealousies occasioned by the system of statutes and regulations adopted since the close of the late war, for raising a revenue in America; extending the powers of courts of admiralty and vice-admiralty; trying persons in Great Britain for offences alleged to be committed in America, affecting the province of Massachusetts Bay; and altering the government and extending the limits of Quebec, by the abolition of which system, the harmony between Great Britain and these Colonies, so necessary to the happiness of both, and so ardently desired by the latter, and the usual intercourses will be immediately restored. In the magnanimity and justice of your Majesty and Parliament, we confide for a redress of our other grievances, trusting that when the causes of our apprehensions are removed, our future conduct will prove us not unworthy of the regard we have been accustomed, in our happier days, to enjoy. For, appealing to that being who searches, thoroughly, the hearts of his creatures, we solemnly profess that our councils have been influenced by no other motives than a dread of impending destruction.



GEORGE III.
(As he usually appeared about 1776)

Permit us, then, most gracious Sovereign, in the name of all your faithful people in America, with the utmost humility, to implore you, for the honor of Almighty God, whose pure religion our enemies are undermining; for your glory, which can be advanced only by rendering your subjects happy, and keeping them united; for the interests of your family, depending on an adherence to the principles that enthroned it; for the safety and welfare of your kingdoms and dominions, threatened with almost unavoidable dangers and distresses, that your Majesty, as the loving father of your whole people connected by the same bonds of law, loyalty, faith, and blood, though dwelling in various countries, will not suffer the transcendant relation formed by these ties to be further violated, in uncertain expectation of effects, that, if attained, never can compensate for the calamities through which they must be gained.

We, therefore, most earnestly beseech your Majesty, that your royal authority and interposition may be used for our relief, and that a gracious answer may be given to this petition.

That your Majesty may enjoy every felicity through a long and glorious reign, over loyal and happy subjects, and that your descendants may inherit your prosperity and dominions till time shall be no more, is, and always will be, our sincere and fervent prayer.

Adopted October 26, 1774.

Non-Importation Agreement, 1774

A declaration of grievances and resolutions intended for their redress, formulated by the "American Association, or General Non-Importation League," and adopted by the First Continental Congress, at Philadelphia, October 20, 1774. Text from "Journals of Congress from 1774 to 1778," (Vol. I., edition of 1823, pp. 23–26. See page 27, Vol. IV.)

We, his Majesty's most loyal subjects, the Delegates of the several Colonies of New Hampshire, Massachusetts Bay, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, the three Lower Counties of New-Castle, Kent, and Sussex, on Delaware, Maryland, Virginia, North Carolina, and South Carolina, deputed to represent them in a Continental Congress, held in the City of Philadelphia, on the fifth day of September, 1774, avowing our allegiance to his Majesty, our affection and regard for our fellow subjects in Great Britain and elsewhere, affected with the deepest anxiety; and most alarming apprehensions at those grievances and distresses, with which his Majesty's American subjects are oppressed, and having taken under our most serious deliberation, the state of the whole Continent, find, that the present unhappy situation of our affairs, is occasioned by a ruinous system of Colony Administration adopted by the British Ministry about the year 1763, evidently calculated for enslaving these Colonies, and, with them, the British Empire.

WE the Subſcribers, inhabitants of the town of having taken into our ſerious conſideration the precarious ſtate of the liberties of North-America, and more eſpecially the preſent diſtreſſed condition of this inſulted province, embarraſſed as it is by ſeveral acts of the Britiſh parliament, tending to the entire ſubverſion of our natural and charter rights; among which is the act for blocking up the harbour of Boſton: and being fully ſenſible of our indiſpenſable duty to lay hold on every means in our power to preſerve and recover the much injured conſtitution of our country; and conſcious at the ſame time of no alternative between the horrors of ſlavery, or the carnage and deſolation of a civil war, but a ſuſpenſion of all commercial intercourſe with the iſland of Great Britain, Do, in the preſence of God, ſolemnly and in good faith, covenant and engage with each other, 1ſt, That from henceforth we will ſuſpend all commercial intercourſe with the ſaid iſland of Great Britain, until the ſaid act for blocking up the ſaid harbour be repealed, and a full reſtoration of our charter rights be obtained. And,

2ly, That there may be the leſs temptation to others to continue in the ſaid, now dangerous commerce, we do in like manner ſolemnly covenant that we will not buy, purchaſe or conſume, or ſuffer any perſon, by, for or under us to purchaſe or conſume, in any manner whatever, any goods, wares or merchandize which ſhall arrive in America from Great Britain aforeſaid, from and after the laſt day of Auguſt next enſuing. And in order as much as in us lies to prevent our being interrupted and defeated in this only peaceable meaſure, entered into for the recovery and preſervation of our rights, we agree to break off all trade, commerce and dealings whatever with all perſons, who, prefering their own private intereſt to the ſalvation of their now periſhing country, ſhall ſtill continue to import goods from Great Britain, or ſhall purchaſe of thoſe who do import, and never to renew any commerce or trade with them.

And, Whereas the promoting of induſtry, œconomy, arts and manufactures among ourſelves is of the laſt importance to the civil and religious welfare of a community; we engage,

3ly, That from and after the firſt day of October next enſuing, we will, not by ourſelves, or any for, by, or under us, purchaſe or uſe any goods, wares, manufactures or merchandize, whenſoever or howſoever imported from Great Britain, until the harbour of Boſton ſhall be opened, and our charter rights reſtored. And,

Laſtly, As a refuſal to come into any agreement which promiſes the deliverance of our country from the calamities it now feels, and which, like a torrent are ruſhing upon it with increaſing violence, muſt evidence a diſpoſition enimical to, or criminally negligent of, the common ſafety: We agree, that after this covenant has been offered to any perſon, and they refuſe to ſign it, we will conſider them in the ſame light as contumacious importers, and withdraw all commercial connexions with them forever, and publiſh their names to the world. Witneſs our hands, June, 1774.

BLANK FORM OF CIRCULAR LETTER OF THE BOSTON COMMITTEE OF CORRESPONDENCE

In prosecution of which system, various Acts of Parliament have been passed for raising a Revenue in America, for depriving the American subjects, in many instances, of the constitutional trial by jury, exposing their lives to danger, by directing a new and illegal trial beyond the seas, for crimes alledged to have been committed in America: and in prosecution of the same system, several late, cruel, and oppressive Acts have been passed respecting the Town of Boston and the Massachusetts Bay, and also an Act for extending the Province of Quebec, so as to border on the Western Frontiers of these Colonies, establishing an arbitrary government therein, and discouraging the settlement of British subjects in that wide extended country; thus, by the influence of civil principles and ancient prejudices, to dispose the inhabitants to act with hostility against the free Protestant Colonies, whenever a wicked Ministry shall chuse to direct them.

To obtain redress of these Grievances, which threaten destruction to the Lives, Liberty, and Property of his Majesty's subjects in North-America, we are of opinion, that a Non-Importation, Non-Consumption, and Non-Exportation Agreement, faithfully adhered to, will prove the most speedy, effectual, and peaceable measure; and, therefore, we do, for ourselves, and the inhabitants of the several Colonies, whom we represent, firmly agree and associate, under the sacred ties of Virtue, Honor and Love of our Country, as follows:

First. That from and after the first day of December next, we will not import into British America, from Great-Britain or Ireland, any Goods, Wares, or Merchandise whatsoever, or from any other place, any such goods, wares, or merchandise, as shall have been exported from Great-Britain or Ireland; nor will we, after that day, import any East India Tea from any part of the World; nor any Molasses, Syrups, Paneles, Coffee or Pimento, from the British Plantations or from Dominica;

nor Wines from Madeira, or the Western Islands; nor Foreign Indigo.

Second. We will neither import nor purchase any Slave imported, after the first day of December next; after which time we will wholly discontinue the Slave Trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our Commodities or Manufactures to those who are concerned in it.

Third. As a Non-Consumption Agreement, strictly adhered to, will be an effectual security for the observance of the Non-Importation, we, as above, solemnly agree and associate, that from this day we will not purchase or use any Tea imported on account of the East India Company, or any on which a Duty hath been or shall be paid; and from and after the first day of March next, we will not purchase or use any East India Tea whatever; nor will we, nor shall any person for or under us, purchase or use any of those Goods, Wares, or Merchandises, we have agreed not to import, which we shall know, or have cause to suspect, were imported after the first day of December, except such as come under the rules and regulations of the tenth article hereafter mentioned.

Fourth. The earnest desire we have, not to injure our fellow-subjects in Great Britain, Ireland or the West-Indies, induces us to suspend a Non-Exportation, until the tenth day of September, 1775; at which time, if the said Acts and parts of Acts of the British Parliament hereinafter mentioned, are not repealed, we will not, directly or indirectly, export any Merchandise or Commodity whatsoever to Great Britain, Ireland or the West-Indies, except Rice to Europe.

Fifth. Such as are Merchants and use the British and Irish Trade, will give orders, as soon as possible to their Factors, Agents and Correspondents, in Great Britain and Ireland, not to ship any Goods to them, on any pretence whatsoever as they cannot be received in

America; and if any Merchant, residing in Great Britain or Ireland, shall directly or indirectly ship any Goods, Wares, or Merchandises, for America, in order to break the said Non-Importation Agreement, or in any manner contravene the same, on such unworthy conduct being well attested, it ought to be made publick; and, on the same being so done, we will not from thenceforth have any commercial connexion, with any such Merchant.

Sixth. That such as are Owners of vessels will give positive orders to their Captains, or Masters, not to receive on board their vessel any Goods prohibited by the said Non-Importation Agreement, on pain of immediate dismission from their service.

Seventh. We will use our utmost endeavors to improve the breed of Sheep, and increase their number to the greatest extent; and to that end, we will kill them as sparingly as may be, especially those of the most profitable kind; nor will we export any to the West-Indies or elsewhere; and those of us who are or may become overstocked with, or can conveniently spare any sheep, will dispose of them to our neighbours, especially to the poorer sort, upon moderate terms.

Eighth. That we will, in our several stations encourage Frugality, Economy, and Industry; and promote Agriculture, Arts, and the Manufactures of this Country, especially that of Wool; and will discountenance and discourage, every species of extravagance and dissipation, especially all horse racing, and all kinds of gaming, cock fighting, exhibitions of plays, shews, and other expensive diversions and entertainments; and on the death of any relation or friend, none of us, or any of our families will go into any further mourning dress, than a black crape or ribbon on the arm or hat for gentlemen, and a black ribbon and necklace for ladies, and we will discountenance the giving of gloves and scarfs at funerals.

Ninth. That such as are venders of Goods or Merchandises, will not take advantage of the scarcity of

INSTRUCTIONS

GIVEN WITH A

COMMISSION

FOR

Seizing the SHIPS, &c. belonging to the Inhabitants of the

REBELLIOUS COLONIES, &c.

14390

"INSTRUCTIONS GIVEN WITH A COMMISSION FOR SEIZING SHIPS BELONGING TO INHABITANTS OF THE REBELLIOUS COLONIES"

Goods that may be occasioned by this Association, but will sell the same at the rates we have been respectively accustomed to do, for twelve months last past. And if any vender of Goods or Merchandises shall sell any such Goods on higher terms, or shall in any manner, or by any device whatsoever violate or depart from this Agreement, no person ought, nor will any of us deal with any such person, or his or her Factor or Agent, at any time thereafter for any commodity whatever.

Tenth. In case any Merchant, Trader, or other person, shall import any Goods or Merchandise, after the first day of December, and before the first day of February next, the same ought forthwith, at the election of the owner, to be either re-shiped or delivered up to the Committee of the County or Town wherein they shall be imported, to be stored at the wish of the importer, until the Non-Importation Agreement shall cease, or be sold under the direction of the Committee aforesaid; and in the last mentioned case, the owner or owners of such Goods shall be re-imbursed out of the sales of the first cost and charges; the profit, if any, to be applied towards relieving and employing such poor inhabitants of the Town of Boston as are immediate sufferers by the Boston Port Bill; and a particular account of all Goods so returned, stored, or sold, to be inserted in the publick papers, and if any Goods or Merchandises shall be imported after the said first day of February, the same ought forthwith to be sent back again, without breaking any of the packages thereof.

Eleventh. That a Committee be chosen in every County, City, and Town, by those who are qualified to vote for Representatives in the Legislature, whose business it shall be attentively to observe the conduct of all persons touching this Association; and when it shall be made to appear to the satisfaction of the majority of any such Committee, that any person within the limits of their appointment has violated this Association, that

such a majority do forthwith cause the truth of the case to be published in the Gazette, to the end that all such foes to the rights of British America may be publickly known, and universally contemned as the enemies of American Liberty; and thenceforth we respectively will break off all dealings with him or her.

Twelfth. That the Committee of Correspondence in the respective Colonies, do frequently inspect the Entries of their Custom Houses, and inform each other, from time to time, of the true state thereof, and of every other material circumstance that may occur relative to this association.

Thirteenth. That all Manufactures of this country be sold at reasonable prices, so that no undue advantage be taken of a future scarcity of Goods.

Fourteenth. And we do further agree and resolve that we will have no Trade, Commerce, Dealings, or Intercourse whatsoever with any Colony or Province in North America, which shall not accede to, or which shall hereafter violate this Association, but will hold them as unworthy of the right of freemen, and as inimical to the liberties of this country.

And we do solemnly bind ourselves and our constituents under the ties aforesaid, to adhere to this Association until such parts of the several Acts of Parliament passed since the close of the last war, as impose or continue duties on Tea, Wine, Molasses, Syrups, Paneles, Coffee, Sugar, Pimento, Indigo, Foreign Paper, Glass, and Painters' Colours, imported into America, and extend the powers of the Admiralty Courts beyond their ancient limits, deprive the American subjects of Trial by Jury, authorize the judge's certificate to indemnify the prosecutor from damages that he might otherwise be liable to from a trial by his peers, require oppressive security from a claimant of Ships or Goods seized, before he shall be allowed to defend his property, are repealed. ——And until that part of the act of the 12th George III.

ch. 24, entitled, "An act for the better securing his majesty's Dock-Yards, Magazine, Ships, Ammunition, and Stores," by which any person charged with committing any of the offences therein described, in America, may be tried in any Shire or County within the realm, is repealed—and until the four Acts passed in the last session of Parliament, viz.: that for stopping the Port and blocking up the Harbour of Boston—that for altering the Charter of Government of the Massachusetts Bay—and that which is entitled "An Act for the better Administration of Justice," etc.—and that for extending the Limits of Quebec, etc., are repealed. And we recommend it to the Provincial Conventions, and to the Committees in the respective Colonies, to establish such farther Regulations as they may think proper for carrying into execution this Association.

The foregoing Association being determined upon by the Congress, was ordered to be subscribed by the several Members thereof; and thereupon, we have hereunto set our respective names accordingly.

In Congress, Philadelphia, October 20, 1774.

PEYTON RANDOLPH, *President.*

Franklin's Vindication of the Colonies, 1775

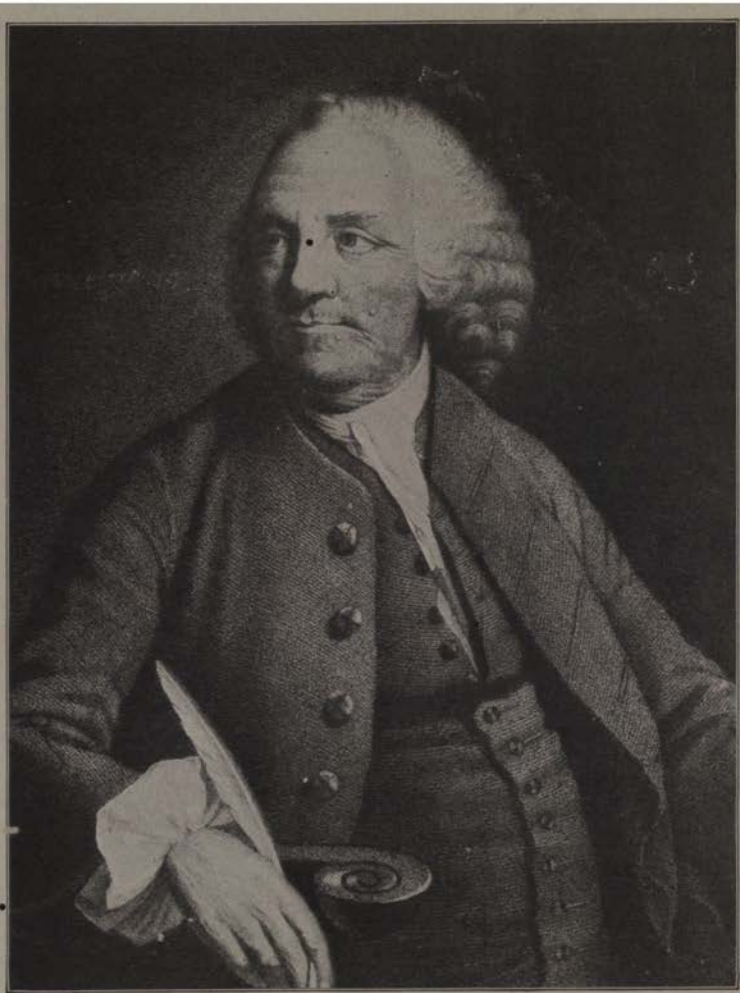
On June 15, 1775, the day that Congress chose Colonel Washington as commander-in-chief of the American army, Franklin issued another of his forceful State papers, an address to the public in vindication of the acts of the colonies. Text from Jared Sparks' edition of "The Works of Benjamin Franklin," Boston, 1856, Vol. V., pp. 83–90. It was first published in the *Public Advertiser* of July 18, 1777. (See page 87.)

Forasmuch as the enemies of America in the Parliament of Great Britain, to render us odious to the nation, and give an ill impression of us in the minds of other European powers, having represented us as unjust and ungrateful in the highest degree; asserting, on every occasion, that the colonies were settled at the expense of Britain; that they were, at the expense of the same, protected in their infancy; that they now ungratefully and unjustly refuse to contribute to their own protection, and the common defence of the nation; that they intend an abolition of the navigation acts; and that they are fraudulent in their commercial dealings, and propose to cheat their creditors in Britain, by avoiding the payment of their just debts;

And as by frequent repetitions these groundless assertions and malicious calumnies may, if not contradicted and refuted, obtain further credit, and be injurious throughout Europe to the reputation and interest of the Confederate colonies, it seems proper and necessary to examine them in our own just vindication.

With regard to the first, *that the colonies were settled at the expense of Britain*, it is a known fact that none of the twelve united colonies were settled, or even discovered, at the expense of England. Henry VII., indeed, granted a commission to Sebastian Cabot, a Venetian, and his sons to sail into western seas for the discovery of new countries; but it was to be "*suis corum propriis sumptibus et expensis*," at their own cost and charges. They discovered, but soon slighted and neglected these northern territories; which were, after more than a hundred years' dereliction, purchased of the natives, and settled at the charge and by the labor of private men and bodies of men, our ancestors, who came over hither for that purpose. But our adversaries have never been able to produce any record that ever the Parliament or government of England was at the smallest expense on these accounts; on the contrary, there exists on the journals of Parliament a solemn declaration in 1642 (only twenty-two years after the first settlement of the Massachusetts colony, when, if such expense had ever been incurred, some of the members must have known and remembered it), "That these colonies had been planted and established *without any expense to the state*."

New York is the only colony in the founding of which England can pretend to have been at any expense, and that was only the charge of a small armament to take it from the Dutch, who planted it. But to retain this colony at the peace, another at that time fully as valuable, planted by private countrymen of ours, was given up by the crown to the Dutch in exchange—viz., Surinam, now a wealthy sugar colony in Guiana, and which, but for that cession, might still have remained in our possession. Of late, indeed, Britain has been at some expense in planting two colonies, Georgia and Nova Scotia, but those are not in our confederacy; and the expense she has been at in their name has chiefly



Benj Franklin

BENJAMIN FRANKLIN

(From an engraving by W. Haines, published Phila., 1804. After the painting by Chamberlin)

been in grants of sums unnecessarily large, by way of salaries to officers sent from England, and in jobs to friends, whereby dependants might be provided for; those excessive grants not being requisite to the welfare and good government of the colonies, which good government (as experience in many instances of other colonies has taught us) may be much more frugally and full as effectually, provided for and supported.

With regard to the second assertion, *that these colonies were protected in their infant state by England*, it is a notorious fact, that, in none of the many wars with the Indian natives, sustained by our infant settlements for a century after our arrival, were ever any troops or forces of any kind sent from England to assist us; nor were any forts built at her expense, to secure our seaports from foreign invaders; nor any ships of war sent to protect our trade till many years after our first settlement, when our commerce became an object of revenue, or of advantage to British merchants; and then it was thought necessary to have a frigate in some of our ports, during peace, to give weight to the authority of custom-house officers, who were to restrain that commerce for the benefit of England. Our own arms, with our poverty, and the care of a kind Providence, were all this time our only protection; while we were neglected by the English government; which either thought us not worth its care, or, having no good will to some of us, on account of our different sentiments in religion and politics, was indifferent what became of us.

On the other hand, the colonies have not been wanting to do what they could in every war for annoying the enemies of Britain. They formerly assisted her in the conquest of Nova Scotia. In the war before last they took Louisburg, and put it into her hands. She made her peace with that strong fortress by restoring it to France, greatly to their detriment. In the last war, it is true, Britain sent a fleet and army, who acted with

an equal army of ours, in the reduction of Canada, and perhaps thereby did more for us, than we in our preceding wars had done for her. Let it be remembered, however, that she rejected the plan we formed in the Congress at Albany, in 1754, for our own defence, by a union of the colonies; a union she was jealous of, and therefore chose to send her own forces; otherwise her aid to protect us was not wanted. And from our first settlement to that time, her military operations in our favor were small, compared with the advantages she drew from her exclusive commerce with us. We are, however, willing to give full weight to this obligation; and, as we are daily growing stronger, and our assistance to her becomes of more importance we should with pleasure embrace the first opportunity of showing our gratitude by returning the favor in kind.

But, when Britain values herself as affording us protection, we desire it may be considered that we have followed her in all her wars, and joined with her at our own expense against all she thought fit to quarrel with. This she has required of us; and would never permit us to keep peace with any power she declared her enemy; though by separate treaties we might have done it. Under such circumstances, when at her instance we made nations our enemies, we submit it to the common-sense of mankind, whether her protection of us in those wars was not our *just due*, and to be claimed of *right*, instead of being received as a favor? And whether, when all the parts exert themselves to do the utmost in their common defence, and in annoying the common enemy, it is not as well the *parts* that protect the *whole*, as the *whole* that protects the *parts?* The protection then has been proportionately mutual. And whenever the time shall come that our abilities may as far exceed hers as hers have exceeded ours, we hope we shall be reasonable enough to rest satisfied with her proportionable exertions, and not think we do too much for

a part of the empire, when that part does as much as it can for the whole.

To charge against us *that we refuse to contribute to our own protection*, appears from the above to be groundless;



BENJAMIN FRANKLIN
(After the painting by C. N. Cochin in 1777)

but we further declare it to be absolutely false; for it is well known, that we ever held it as our duty to grant aids to the crown, upon requisition, towards carrying on

its wars; which duty we have cheerfully complied with, to the utmost of our abilities, insomuch that prudent and grateful acknowledgments thereof by King and Parliament appear on the records. But, as Britain has enjoyed a most gainful monopoly of our commerce; the same, with our maintaining the dignity of the King's representative in each colony, and all our own separate establishments of government, civil and military; has ever hitherto been deemed an equivalent for such aids as might otherwise be expected from us in time of peace. And we hereby declare that on a reconciliation with Britain, we shall not only continue the grant aids in time of war, as aforesaid; but whenever she shall think fit to abolish her monopoly, and give us the same privileges of trade as Scotland received at the union, and allow us a free commerce with the rest of the world; we shall willingly agree (and we doubt not it will be ratified by our constituents) to give and pay into the sinking fund £100,000 sterling per annum for the term of 100 years, which duly, faithfully, and inviolably applied to that purpose, is demonstrably more than sufficient to extinguish all her present national debt; since it will in that time amount, at legal British interest, to more than £230,000,000.

But if Britain does not think fit to accept this proposition, we, in order to remove her groundless jealousies, that we aim at independence and an abolition of the navigation act (which hath in truth never been our intention), and to avoid all future disputes about the right of making that and other acts for regulating our commerce, do hereby declare ourselves ready and willing to enter into a covenant with Britain, that she shall fully possess, enjoy, and exercise the right, for 100 years to come; the same being *bona fide* used for the common benefit; and, in case of such agreement, that every Assembly be advised by us to confirm it solemnly by laws of their own,

which, once made, cannot be repealed without the assent of the crown.

The last charge, *that we are dishonest traders*, and aim at defrauding our creditors in Britain, is sufficiently and authentically refuted by the solemn declarations of the British merchants to Parliament (both at the time of the Stamp Act and in the last session), who bore ample testimony to the general good faith and fair dealing of the Americans, and declared their confidence in our integrity; for which we refer to their petitions on the journals of the House of Commons. And we presume we may safely call on the body of the British tradesmen, who have had experience of both, to say, whether they have not received much more punctual payment from us, than they generally have from the members of their own two Houses of Parliament.

On the whole of the above it appears that the charge of *ingratitude* towards the mother-country, brought with so much confidence against the colonies, is totally without foundation; and that there is much more reason for retorting that charge on Britain, who, not only never contributes any aid, nor affords, by an exclusive commerce, any advantages to Saxony, *her* mother-country; but no longer since than in the last war, without the least provocation, subsidized the King of Prussia while he ravaged that *mother-country*, and carried fire and sword into its capital, the fine city of Dresden! An example we hope no provocation will induce us to imitate.

Virginia Bill of Rights, 1776

This bill, adopted by a convention at Williamsburg on June 12, 1776, antedated by more than a fortnight the Declaration of Independence, and contained much of the thought and phraseology ingrafted in that document. The matter forms a part of the State constitutions of 1830, 1851, and 1864, and, somewhat changed in form, of the constitution of 1870. Text from "Federal and State Constitutions," Vol. II., pp. 1908–09, ed. by B. P. Poore, Washington, 1877. (See page 107; also p. 26, Vol. IV.)

A Declaration of Rights

Made by the Representatives of the good People of Virginia, assembled in full and free Convention, which rights do pertain to them and their posterity as the basis and foundation of government.

I. That all men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

II. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants, and at all times amenable to them.

III. That government is, or ought to be, instituted

for the common benefit, protection and security of the people, nation or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety, and is most effectually secured against the danger of



GUNSTON HALL, THE HOME OF GEORGE MASON

(From a photograph showing in the foreground the northwest corner room in which the Virginia Declaration of Rights is supposed to have been drafted)

maladministration or contrary to these purposes, a majority of the community hath an indubitable, unalienable and indefeasible right to reform, alter or abolish it, in such manner as shall be judged most conducive to the public weal.

IV. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community but in consideration of public services, which

not being descendible, neither ought the offices of magistrate, legislator or judge to be hereditary.

V. That the legislative, executive and judicial powers should be separate and distinct; and that the members thereof may be restrained from oppression, by feeling and participating the burthens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain and regular elections, in which all, or any part of the former members to be again eligible or ineligible, as the laws shall direct.

VI. That all elections ought to be free, and that all men having sufficient evidence of permanent common interest with, and attachment to the community, have the right of suffrage, and cannot be taxed, or deprived of their property for public uses, without their own consent, or that of their representatives so elected, nor bound by any law to which they have not in like manner assented, for the public good.

VII. That all power of suspending laws, or the execution of laws, by any authority, without consent of the representatives of the people, is injurious to their rights, and ought not to be exercised.

VIII. That in all capital or criminal prosecutions, a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of twelve men of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers.

IX. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

X. That general warrants, whereby an officer or mes-

senger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offence is not particularly described and supported by evidence, are grievous and oppressive, and ought not to be granted.



TAZEWELL HALL, THE HOME OF THE RANDOLPHS

(After a print in "Omitted Chapters of History in the Life and Papers of Edward Randolph." By the courtesy of G. P. Putnam's Sons)

XI. That in controversies respecting property, and in suits between man and man, the ancient trial by jury of twelve men is preferable to any other, and ought to be held sacred.

XII. That the freedom of the press is one of the great bulwarks of liberty, and can never be restrained but by despotic governments.

XIII. That a well regulated militia, composed of the body of the people, trained to arms, is the proper, natural and safe defence of a free State; that standing armies in time of peace, should be avoided as dangerous to

liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

XIV. That the people have a right to uniform government; and therefore, that no government separate from or independent of the government of Virginia, ought to be erected or established within the limits thereof.

XV. That no free government, or the blessing of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality and virtue, and by a frequent recurrence to fundamental principles.

XVI. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the duty of all to practice Christian forbearance, love and charity towards each other.

Paine's Plea for American Independence, 1776

Thomas Paine is believed to have been the first to suggest a union of the American colonies. Before the Declaration of Independence was drafted he had written of and about the "Free and Independent States of America," and had also proposed as a national name "The United States of America." The selection from his pamphlet on "Common Sense" here given is the Appendix to that writing, in which he particularly considered the questions of national independence and union of the States. Text from the "Political Writings of Thomas Paine," New York, 1835, Vol. I., pp. 57–64. (See page 91.)

SINCE the publication of the first edition of this pamphlet, or rather, on the same day on which it came out,* the King's Speech made its appearance in this city (Philadelphia). Had the spirit of prophecy directed the birth of this production, it could not have brought it forth at a more seasonable juncture, or at a more necessary time. The bloody-mindedness of the one, shows the necessity of pursuing the doctrine of the other. Men read by way of revenge. And the Speech, instead of terrifying, prepared a way for the manly principles of Independence.

Ceremony, and even silence, from whatever motives they may arise, have a hurtful tendency when they give the least degree of countenance to base and wicked per-

* January 8, 1776.

formances; wherefore, if this maxim be admitted, it naturally follows, that the King's Speech, as being a piece of finished villany, deserved and still deserves, a general execration, both by the Congress and the people. Yet, as the domestic tranquillity of a nation, depends greatly on the *chastity* of what might properly be called NATIONAL MANNERS, it is often better to pass some things over in silent disdain, than to make use of such new methods of dislike, as might introduce the least innovation on that guardian of our peace and safety. And, perhaps, it is chiefly owing to this prudent delicacy, that the King's Speech hath not before now suffered a public execution. The Speech, if it may be called one, is nothing better than a wilful audacious libel against the truth, the common good, and the existence of mankind; and is a formal and pompous method of offering up human sacrifices to the pride of tyrants. But this general massacre of mankind, is one of the privileges and the certain consequences of Kings; for as nature knows them *not*, they know *not her*, and although they are beings of our *own* creating, they know not *us*, and are become the Gods of their creators. The speech hath one good quality, which is, that it is not calculated to deceive, neither can we, even if we would, be deceived by it. Brutality and tyranny appear on the face of it. It leaves us at no loss: And every line convinces, even in the moment of reading, that he who hunts the woods for prey, the naked and untutored Indian, is less Savage than the King of Britain.

Sir John Dalrymple, the putative father of a whining jesuitical piece, fallaciously called, "*The address of the people of* England *to the inhabitants of* America," hath perhaps from a vain supposition that the people *here* were to be frightened at the pomp and description of a king, given (though very unwisely on his part) the real character of the present one: "But," says this writer, "if you are inclined to pay compliments to an adminis-

tration, which we do not complain of (meaning the Marquis of Rockingham's at the repeal of the Stamp Act) it is very unfair in you to withhold them from that prince, *by whose* NOD ALONE *they were permitted*



THOMAS PAINE
(From a French engraving made in 1793)

to do any thing." This is toryism with a witness! Here is idolatry even without a mask: And he who can calmly hear and digest such doctrine, hath forfeited his claim to rationality—an apostate from the order of manhood —and ought to be considered as one who hath not only

given up the proper dignity of man, but sunk himself beneath the rank of animals, and contemptibly crawls through the world like a worm.

However, it matters very little now what the king of England either says or does; he hath wickedly broken through every moral and human obligation, trampled nature and conscience beneath his feet, and by a steady and constitutional spirit of insolence and cruelty procured for himself an universal hatred. It is *now* the interest of America to provide for herself. She hath already a large and young family, whom it is more her duty to take care of, than to be granting away her property to support a power who is become a reproach to the names of men and christians—YE, whose office it is to watch the morals of a nation, of whatsoever sect or denomination ye are of, as well as ye who are more immediately the guardians of the public liberty, if ye wish to preserve your native country uncontaminated by European corruption, ye must in secret wish a separation. But leaving the moral part to private reflection, I shall chiefly confine my further remarks to the following heads:

First, That it is the interest of America to be separated from Britain.

Secondly, Which is the easiest and most practicable plan, RECONCILIATION or INDEPENDANCE? with some occasional remarks.

In support of the first, I could, if I judged it proper, produce the opinion of some of the ablest and most experienced men on this continent; and whose sentiments on that head, are not yet publicly known. It is in reality a self-evident position: for no nation in a state of foreign dependance, limited in its commerce, and cramped and fettered in its legislative powers, can ever arrive at any material eminence. America doth not yet know what opulence is: and although the progress which she hath made stands unparalleled in the history of other



George II (Great

HIS MAJESTY's

MOST GRACIOUS SPEECH

TO BOTH

HOUSES OF PARLIAMENT,

On WEDNESDAY, NOVEMBER 30, 1774.

MY LORDS, AND GENTLEMEN,

IT gives Me much Concern, that I am obliged, at the Opening of this Parliament, to inform you, That a moſt daring Spirit of Reſiſtance and Diſobedience to the Law ſtill unhappily prevails in the Province of the *Maſſachuſet's Bay*, and has, in divers Parts of it, broke forth in freſh Violences of a very criminal Nature. Theſe Proceedings have been countenanced and encouraged in other of My Colonies, and unwarrantable Attempts have been made to obſtruct the Commerce of this Kingdom, by unlawful Combinations. I have taken ſuch Meaſures, and given ſuch Orders, as I judged moſt proper and effectual for carrying into Execution the Laws which were paſſed in the laſt Seſſion of the late Parliament, for the Protection and Security of the Commerce of My Subjects, and for the reſtoring and preſerving Peace, Order, and good Government, in the Province of the *Maſſachuſet's Bay*; and you may depend upon My firm and ſteadfaſt Reſolution to withſtand every Attempt to weaken or impair the ſupreme Authority of this Legiſlature over all the Dominions of My Crown; the Maintenance of which I conſider as eſſential to the Dignity, the Safety, and the Welfare, of the *Britiſh* Empire; aſſuring Myſelf, that, while I act upon theſe Principles, I ſhall never fail to receive your Aſſiſtance and Support.

THE FIRST PAGE OF "HIS MAJESTY'S MOST GRACIOUS SPEECH," NOVEMBER 30, 1774

nations, it is but childhood compared with what she would be capable of arriving at, had she, as she ought to have, the legislative powers in her own hands. England is at this time proudly coveting what would do her no good were she to accomplish it; and the continent is hesitating on a matter which will be her final ruin if neglected. It is the commerce and not the conquest of America by which England is to be benefited, and that would in a great measure continue, were the countries as independent of each other as France and Spain; because in many articles neither can go to a better market. But it is the independence of this country of Britain, or any other, which is now the main and only object worthy of contention, and which, like all other truths discovered by necessity, will appear clear and stronger every day.

First. Because it will come to that one time or other.

Secondly. Because the longer it is delayed, the harder it will be to accomplish.

I have frequently amused myself both in public and private companies, with silently remarking the specious errors of those who speak without reflecting. And among the many which I have heard, the following seems the most general, viz. that had this rupture happened forty or fifty years hence, instead of now, the continent would have been more able to have shaken off the dependance. To which I reply, that our military ability, *at this time*, arises from the experience gained in the last war, and which in forty or fifty years time, would be totally extinct. The continent would not, by that time, have a general, or even a military officer left; and we, or those who may succeed us, would be as ignorant of martial matters as the ancient Indians; and this single position, closely attended to, will unanswerably prove that the present time is preferable to all others. The argument turns thus: At the conclusion of the last war, we had experience, but wanted numbers;



BEEKMAN HOUSE, RESIDENCE OF SIR WILLIAM HOWE, 1776. FIFTIETH STREET, NEAR FIRST AVENUE
(Built in 1763. Headquarters of Sir William Howe and Gen. Charles Clinton in the Revolution)

and forty or fifty years hence, we shall have numbers, without experience; wherefore, the proper point of time, must be some particular point between the two extremes, in which a sufficiency of the former remains, and a proper increase of the latter is obtained: And that point of time is the present time.

The reader will pardon this digression, as it does not properly come under the head I first set out with, and to which I again return by the following position, viz.:

Should affairs be patched up with Britain, and she to remain the governing and sovereign power of America, (which, as matters are now circumstanced, is giving up the point entirely) we shall deprive ourselves of the very means of sinking the debt we have, or may contract. The value of the back lands, which some of the provinces are clandestinely deprived of, by the unjust extension of the limits of Canada, valued only at five pounds sterling per hundred acres, amount to upwards of twenty-five millions, Pennsylvania currency; and the quit-rents, at one penny sterling per acre, to two millions yearly.

It is by the sale of those lands that the debt may be sunk, without burthen to any, and the quit-rent reserved thereon will always lessen, and in time will wholly support, the yearly expense of government. It matters not how long the debt is in paying, so that the lands when sold be applied to the discharge of it, and for the execution of which the Congress for the time being will be the continental trustees.

I proceed now to the second head, viz. Which is the easiest and most practical plan, Reconciliation or Independance; with some occasional remarks.

He who takes nature for his guide, is not easily beaten out of his argument, and on that ground, I answer generally—*That* independence *being a* single simple line, *contained within ourselves; and reconciliation, a matter exceedingly perplexed and complicated, and in which a*



THE THOMAS PAINE HOUSE, NEW ROCHELLE, NEW YORK
(From a photograph by Brown Brothers)

treacherous capricious court is to interfere, gives the answer without a doubt.

The present state of America is truly alarming to every man who is capable of reflection. Without law, without government, without any other mode of power than what is founded on, and, granted by, courtesy. Held together by an unexampled occurrence of sentiment, which is nevertheless subject to change, and which every secret enemy is endeavoring to dissolve. Our present condition is, Legislation without law; wisdom without a plan; a constitution without a name; and, what is strangely astonishing, perfect independance contending for dependance. The instance is without a precedent, the case never existed before, and who can tell what may be the event? The property of no man is secure in the present unbraced system of things. The mind of the multitude is left at random, and seeing no fixed object before them, they pursue such as fancy or opinion presents. Nothing is criminal; there is no such thing as treason; wherefore, every one thinks himself at liberty to act as he pleases. The Tories would not have dared to assemble offensively, had they known that their lives, by that act, were forfeited to the laws of the state. A line of distinction should be drawn between English soldiers taken in battle, and inhabitants of America taken in arms. The first are prisoners, but the latter traitors. The one forfeits his liberty, and the other his head.

Notwithstanding our wisdom, there is a visible feebleness in some of our proceedings which gives encouragement to dissentions. The Continental Belt is too loosely buckled: And if something is not done in time, it will be too late to do any thing, and we shall fall into a state, in which neither Reconciliation nor Independance will be practicable. The king and his worthless adherents are got at their old game of dividing the Continent, and there are not wanting among us Printers

who will be busy in spreading specious falsehoods. The artful and hypocritical letter which appeared a few months ago in two of the New-York papers, and likewise in two others, is an evidence that there are men who want both judgment and honesty.

It is easy getting into holes and corners, and talking of reconciliation: But do such men seriously consider how difficult the task is, and how dangerous it may prove, should the Continent divide thereon? Do they take within their view all the various orders of men whose situation and circumstances, as well as their own, are to be considered therein? Do they put themselves in the place of the sufferer whose *all* is *already* gone, and of the soldier, who hath quitted *all* for the defence of his country? If their ill-judged moderation be suited to their own private situations *only*, regardless of others, the event will convince them that "they are reckoning without their host."

Put us, say some, on the footing we were in the year 1763: To which I answer, the request is not now in the power of Britain to comply with, neither will she propose it; but if it were, and even should it be granted, I ask, as a reasonable question, By what means is such a corrupt and faithless court to be kept to its engagements? Another parliament, nay, even the present, may hereafter repeal the obligation, on the pretence of its being violently obtained, or unwisely granted; and, in that case, Where is our redress? No going to law with nations; cannon are the barristers of crowns; and the sword, not of justice, but of war, decides the suit. To be on the footing of 1763, it is not sufficient, that the laws only be put in the same state, but, that our circumstances likewise be put in the same state; our burnt and destroyed towns repaired or built up, our private losses made good, our public debts (contracted for defence) discharged; otherwise we shall be millions worse than we were at that enviable period. Such a request, had

it been complied with a year ago, would have won the heart and soul of the Continent, but now it is too late. "The Rubicon is passed."

Besides, the taking up arms, merely to enforce the repeal of a pecuniary law, seems as unwarrantable by the divine law, and as repugnant to human feelings, as the taking up arms to enforce obedience thereto. The object, on either side, doth not justify the means; for the lives of men are too valuable to be cast away on such trifles. It is the violence which is done and threatened to our persons; the destruction of our property by an armed force; the invasion of our country by fire and sword, which conscientiously qualifies the use of arms: and the instant in which such mode of defence became necessary, all subjection to Britain ought to have ceased; and the independance of America should have been considered as dating its era from, and published by, *the first musket that was fired against her.* This line is a line of consistency; neither drawn by caprice, nor extended by ambition; but produced by a chain of events, of which the colonies were not the authors.

I shall conclude these remarks, with the following timely and well-intended hints. We ought to reflect, that there are three different ways by which an independancy may hereafter be effected; and that *one* of those *three*, will, one day or other, be the fate of America, viz. By the legal voice of the people in Congress; by a military power; or by a mob: It may not always happen that our soldiers are citizens, and the multitude a body of reasonable men; virtue, as I have already remarked, is not hereditary, neither is it perpetual. Should an independancy be brought about by the first of those means, we have every opportunity and every encouragement before us, to form the noblest, purest constitution on the face of the earth. We have it in our power to begin the world over again. A situation,



MONUMENT TO THOMAS PAINE, NEW ROCHELLE, NEW YORK

(From a photograph by Brown Brothers)

similar to the present, hath not happened since the days of Noah until now. The birthday of a new world is at hand, and a race of men, perhaps as numerous as all Europe contains, are to receive their portion of freedom from the events of a few months. The reflection is awful, and in this point of view, how trifling, how ridiculous, do the little paltry cavilings of a few weak or interested men appear, when weighed against the business of a world.

Should we neglect the present favorable and inviting period, and independance be hereafter effected by any other means, we must charge the consequence to ourselves, or to those rather whose narrow and prejudiced souls are habitually opposing the measure, without either inquiring or reflecting. There are reasons to be given in support of independance which men should rather privately think of, than be publicly told of. We ought not now to be debating whether we shall be independant or not, but anxious to accomplish it on a firm, secure, and honorable basis, and uneasy rather that it is not yet begun upon. Every day convinces us of its necessity. Even the Tories (if such beings yet remain among us) should, of all men, be the most solicitous to promote it; for as the appointment of committees at first protected them from popular rage, so, a wise and well established form of government will be the only certain means of continuing it securely to them. Wherefore, if they have not virtue enough to be WHIGS, they ought to have prudence enough to wish for independance.

In short, Independance is the only BOND that tye and keep us together. We shall then see our object, and our ears will be legally shut against the schemes of an intriguing, as well as cruel, enemy. We shall then, too, be on a proper footing to treat with Britain; for there is reason to conclude, that the pride of that court will be less hurt by treating with the American states for

terms of peace, than with those, whom she denominates "rebellious subjects," for terms of accommodation. It is our delaying in that, encourages her to hope for conquest, and our backwardness tends only to prolong the war. As we have, without any good effect therefrom, withheld our trade to obtain a redress of our grievances, let us now try the alternative, by independantly redressing them ourselves, and then offering to open the trade. The mercantile and reasonable part of England, will be still with us; because, peace, with trade, is preferable to war without it. And if this offer be not accepted, other courts may be applied to.

On these grounds I rest the matter. And as no offer hath yet been made to refute the doctrine contained in the former editions of this pamphlet, it is a negative proof, that either the doctrine cannot be refuted, or, that the party in favor of it are too numerous to be opposed. WHEREFORE, instead of gazing at each other with suspicious or doubtful curiosity, let each of us hold out to his neighbor the hearty hand of friendship, and unite in drawing a line, which, like an act of oblivion, shall bury in forgetfulness every former dissention. Let the names of Whig and Tory be extinct; and let none other be heard among us, than those of *a good citizen; an open and resolute friend;* and *a virtuous supporter of the* RIGHTS of MANKIND, *and of the* FREE AND INDEPENDANT STATES OF AMERICA.

Cession of Western Lands to the National Government, 1781

How the National Government gained the great Valley of the Mississippi was narrated in detail by James A. Garfield in an address on "The Western Reserve" before the Historical Society of Geauga County, Ohio, on September 16, 1873. The extracts here given are taken from "Western Reserve and Northern Ohio Historical Society Tracts, No. 20." Cleveland, February, 1874. (See page 46.)

. . . . . .

In 1748 a company was organized by Thomas Lee and Lawrence and Augustine Washington, under the name of "The Ohio Company," and received a royal grant of 500,000 acres of land in the valley of the Ohio. In 1751 a British trading-post was established on the Big Miami; but in the following year it was destroyed by the French. Many similar efforts of the English colonists were resisted by the French; and during the years 1751–53 it became manifest that a great struggle was imminent between the French and the English for the possession of the West. The British ministers were too much absorbed in intrigues at home to appreciate the importance of this contest; and they did but little more than to permit the colonies to protect their rights in the valley of the Ohio.

In 1753 the Ohio Company had opened a road, by "Will's Creek," into the western valley, and were pre-

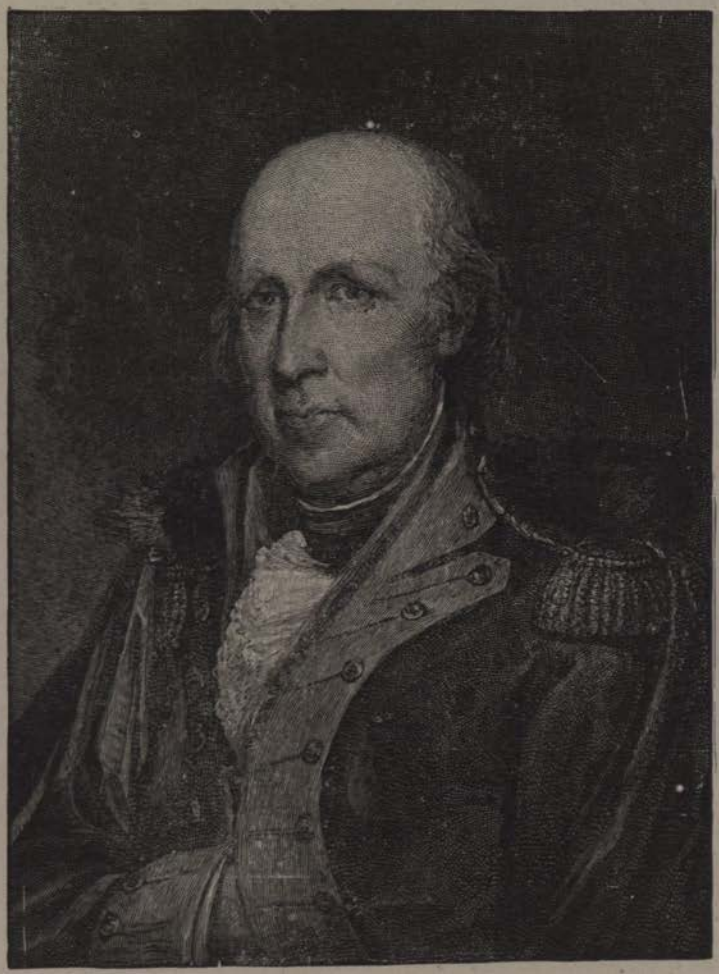
paring to locate their colony. At the same time the French had sent a force to occupy and hold the line of the Ohio. As the Ohio Company was under the especial protection of Virginia, the governor of that colony determined to send a messenger to the commander of the French forces and demand the reason for invading the British dominions. For this purpose he selected George Washington, then twenty-one years of age, who, with six assistants, set out from Williamsburg, Va., in the middle of November, for the waters of the Ohio and the lakes. After a journey of nine days through sleet and snow, he reached the Ohio, at the junction of the Allegheny and the Monongahela; and his quick eye seemed to foresee the destiny of the place. "I spent some time," said he, "in viewing the rivers. The land in the fork has the absolute command of both." On this spot Fort Pitt was afterwards built, and still later the city of Pittsburg.

. . . . . .

Returning to Virginia in January, 1754, he reported to the governor, and immediate preparations were made by the colonists to maintain their rights in the West and resist the incursions of the French. In this movement originated the first military union among the English colonists.

Although peace existed between France and England, formidable preparations were made by the latter to repel encroachments on the frontier, from Ohio to the Gulf of St. Lawrence. . . .

In 1760 an English force, under Major Rogers, moved westward from Niagara, to occupy the French posts on the upper lakes. They coasted along the south shore of Erie, the first English-speaking people that sailed its waters. Near the mouth of the Grand River they met in council the chiefs of the great warrior Pontiac. A few weeks later they took possession of Detroit. "Thus,"



GEORGE ROGERS CLARK

(Photographed by L. Bergman, Louisville, Kentucky)

says Mr. Bancroft, "was Michigan won by Great Britain, though not for itself. There were those who foresaw that the acquisition of Canada was the prelude of American independence."

Late in December Rogers returned to the Maumee; and, setting out from the point where Sandusky City now stands, crossed the Huron River to the northern branch of White Woman's River, and passing thence by the English village of Beaverstown, and up the Ohio, reached Fort Pitt on Jan. 23, 1761, just a month after he left Detroit.

Under the leadership of Pitt, England was finally triumphant in this great struggle; and by the treaty of Paris, of Feb. 10, 1763, she acquired Canada and all the territory east of the Mississippi River, and southward to the Spanish territory, excepting New Orleans and the island on which it is situated.

. . . . . .

How came the thirteen colonies to possess the valley of the Mississippi? The object of their struggle was independence, and yet by the treaty of peace in 1783 not only was the independence of the thirteen colonies conceded, but there was granted to the new republic a western territory bounded by the northern lakes, the Mississippi, and the French and Spanish possessions.

How did these hills and valleys become a part of the United States? It is true that by virtue of royal charters several of the colonies set up claims extending to the "South Sea." The knowledge which the English possessed of the geography of this country at that time is illustrated by the fact that Capt. John Smith was commissioned to sail up the Chickahominy and find a passage to China! But the claims of the colonies were too vague to be of any consequence in determining the boundaries of the two governments. Virginia had indeed extended her settlements into the region south of the Ohio River, and during the Revolu-

tion had annexed that country to the Old Dominion, calling it the county of Kentucky. But previous to the Revolution the colonies had taken no such action in reference to the territory northwest of the Ohio.

The cession of that great territory, under the treaty of 1783, was due mainly to the foresight, the courage, and the endurance of one man, who never received from his country any adequate recognition for his great service. That man was George Rogers Clark; . . .

In October, 1778, the House of Burgesses passed an act declaring that "all the citizens of the Commonwealth of Virginia, who are already settled there, or shall hereafter be settled on the west side of the Ohio, shall be included in the District of Kentucky, which shall be called Illinois county." In other words, George Rogers Clark conquered the Territory of the Northwest in the name of Virginia, and the flag of the republic covered it at the close of the war.

In negotiating the treaty of peace at Paris, in 1783, the British commissioners insisted on the Ohio River as the northwestern boundary of the United States; and it was found that the only tenable ground on which the American commissioners relied, to sustain our claim to the Lakes and the Mississippi as the boundary, was the fact that George Rogers Clark had conquered the country, and Virginia was in undisputed possession of it at the cessation of hostilities.

. . . . . .

Soon after the close of the Revolution our Western country was divided into three territories—the Territory of the Mississippi, the Territory south of the Ohio, and the Territory northwest of the Ohio. For the purposes of this address I shall consider only the organization and settlement of the latter.

It would be difficult to find any country so covered with conflicting claims of title as the territory of the

Northwest. Several States, still asserting the validity of their royal charters, set up claims more or less definite to portions of this territory. First—by royal charter of 1662, confirming a council charter of 1630, Connecticut claimed a strip of land bounded on the east by the Narraganset River, north by Massachusetts, south by Long Island Sound, and extending westward between the parallels of 41° and 42° 2′ north latitude, to the mythical "South Sea." Second — New York, by her charter of 1614, claimed a territory marked by definite boundaries, lying across the boundaries of the Connecticut charter. Third — by the grant to William Penn, in 1664, Pennsylvania claimed a territory overlapping part of the territory of both these colonies. Fourth—the charter of Massachusetts also conflicted with some of the claims above mentioned. Fifth—Virginia claimed the whole of the Northwest territory by right of conquest, and in 1779, by an act of her legislature, annexed it as a county. Sixth — several grants had been made of special tracts to incorporated companies by the different States. And, finally, the



MANASSEH CUTLER

(Chosen as the agent for the Ohio Company, in 1787, to negotiate with Congress for the purchase of lands in the territory northwest of the Ohio River)

whole territory of the Northwest was claimed by the Indians as their own.

The claims of New York, Massachusetts, and part of the claim of Pennsylvania had been settled before the war by royal commissioners; the others were still unadjusted. It became evident that no satisfactory settlement could be made except by Congress. That body urged the several States to make a cession of the lands they claimed, and thus enable the general government to open the Northwest for settlement.

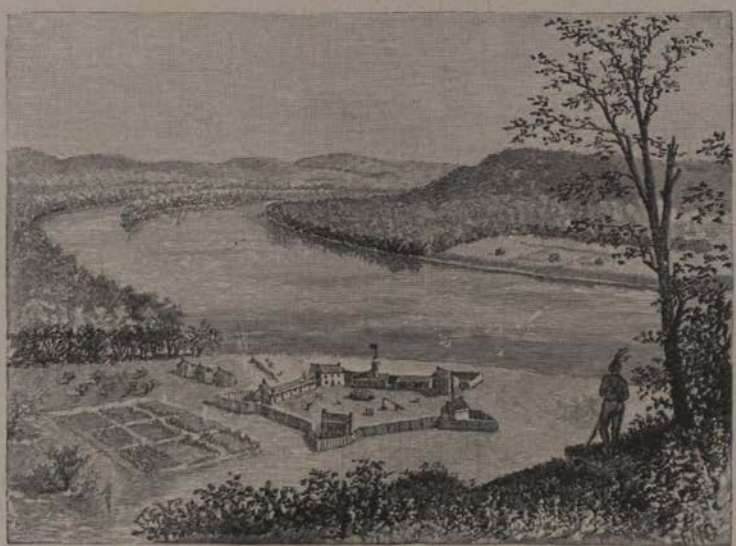


RUFUS PUTNAM

("The Father of Ohio," who organized, in 1787, the Ohio Company for the settlement of the Northwest Territory)

On March 1, 1784, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, delegates in Congress, executed a deed of cession in the name of Virginia, by which they transferred to the United States the title of Virginia to the Northwest Territory, but reserving to that State 150,000 acres of land which Virginia had promised to George Rogers Clark, and to the officers and soldiers who with him captured the British posts in the West. Also, another tract of land between the Scioto and Little Miami, to enable Virginia to pay her promised bounties to her officers and soldiers of the Revolutionary army.

It has already been seen that Connecticut claimed a strip westward from the Narraganset River to the Mississippi, between the parallels of 41° and 42° 2′; but that portion of her claim which crossed the territory of New York and Pennsylvania had been extinguished by adjustment. Her claim to the territory west of Pennsylvania was unsettled until Sept. 14, 1786, when she



FORT HARMAR, BUILT IN 1785

(This was the second fort erected by the English west of the Ohio, and at the time the colonists arrived the only one in existence, having been built in 1785 at the mouth of the Muskingum River, opposite the site of Marietta)

ceded it all to the United States, except that portion lying between the parallels above named and a line 120 miles west of the western line of Pennsylvania and parallel with it. This tract of country was about the size of the present State, and was called "New Connecticut."

In May, 1792, the legislature of Connecticut granted to those of her citizens whose property had been burned

or otherwise spoliated by the British during the war of the Revolution half a million of acres from the west end of the reserve. These were called "The Fire Lands." . . .

In the journal of Seth Pease, published in Whittlesey's *History of Cleveland*, I find the following:

"Monday, July 4, 1796.—We that came by land arrived at the confines of New Connecticut, and gave three cheers precisely at five o'clock P.M. We then proceeded to Conneaut, at five hours thirty minutes, our boats got on an hour after; we pitched our tents on the east side."

In the journal of General Cleaveland is the following entry:

"On this Creek ('Conneaugh'), in New Connecticut Land, July 4, 1796, under General Moses Cleaveland, the surveyors and men sent by the Connecticut Land Company to survey and settle the Connecticut Reserve, were the first English people who took possession of it. . . .

"We gave three cheers and christened the place Fort Independence; and, after many difficulties, perplexities, and hardships were surmounted, and we were on the good and promised land, felt that a just tribute of respect to the day ought to be paid. There were in all, including women and children, fifty in number. The men, under Captain Tinker, ranged themselves on the beach and fired a federal salute of fifteen rounds, and then the sixteenth in honor of New Connecticut." . . .

The work of surveying was commenced at once. One party went southward on the Pennsylvania line to find the 41st parallel, and began the survey; another, under General Cleaveland, coasted along the lake to the mouth of the Cuyahoga, which they reached on July 22, and there laid the foundation of the chief city of the Reserve. A large portion of the survey was made during that season, and the work was completed in the following year.

By the close of the year 1800 there were thirty-two settlements on the Reserve, though as yet no organization of government had been established. But the pioneers were a people who had been trained in the principles and practices of civil order; and these were transplanted to their new home. In New Connecticut



SITE OF MARIETTA, OHIO, IN 1788
(From an old print)

there was but little of that lawlessness which so often characterizes the people of a new country. In many instances a township organization was completed and their minister chosen before the pioneers left home. Thus they planted the institutions and opinions of Old Connecticut in their new wilderness homes. . . .

By the end of the century seven counties, Washington,

Hamilton, Ross, Wayne, Adams, Jefferson, and Knox, had been created, but none of them were of any practical service to the settlers on the Reserve. No magistrate had been appointed for that portion of the country, no civil process was established, and no mode existed of making legal conveyances.

But in the year 1800 the State of Connecticut, by act of her legislature, transferred to the national government all her claim to civil jurisdiction. Congress assumed the political control, and the President conveyed by patent the fee of the soil to the government of the State for the use of the grantees and the parties claiming under them. Whereupon, in pursuance of this authority, on Sept. 22, 1800, Governor St. Clair issued a proclamation establishing the county of Trumbull, to include within its boundaries the "Fire Lands" and adjacent islands. . . .

A treaty was held at Fort Industry on July 4, 1805, between the commissioners of the Connecticut Land Company and the Indians, by which all the lands in the Reserve west of the Cuyahoga belonging to the Indians were ceded to the Connecticut Company. . . .

A considerable number of Indians remained on the Western Reserve until the breaking out of the War of 1812. Most of the Canadian tribes took up arms against the United States in that struggle, and a portion of the Indians of the Western Reserve joined their Canadian brethren. At the close of that war occasional bands of these Indians returned to their old haunts on the Cuyahoga and the Mahoning; but the inhabitants of the Reserve soon made them understand that they were unwelcome visitors after the part they had taken against us. Thus the War of 1812 substantially cleared the Reserve of its Indian inhabitants.

Cession of Northwest Territory by Virginia, 1783

This act, passed by the Legislature of Virginia, December 20, 1783, authorized the delegates of that State in Congress to convey to the United States all the rights of Virginia in the territory northwest of the Ohio River. Text from "American Charters, Constitutions, and Organic Laws" (1909, Vol. II., pp. 955–6, Government Printing Office). (See page 48.)

Section 1. Whereas the Congress of the United States did, by their act of the 6th day of September, in the year 1780, recommend to the several States in the Union, having claims to waste and unappropriated lands in the western country, a liberal cession to the United States of a portion of their respective claims for the common benefit of the Union:

Sec. 2. And whereas this commonwealth did, on the 2d day of January, in the year 1781, yield to the Congress of the United States, for the benefit of the said States, all right, title, and claim which the said commonwealth had to the territory northwest of the river Ohio, subject to the conditions annexed to the said act of cession:

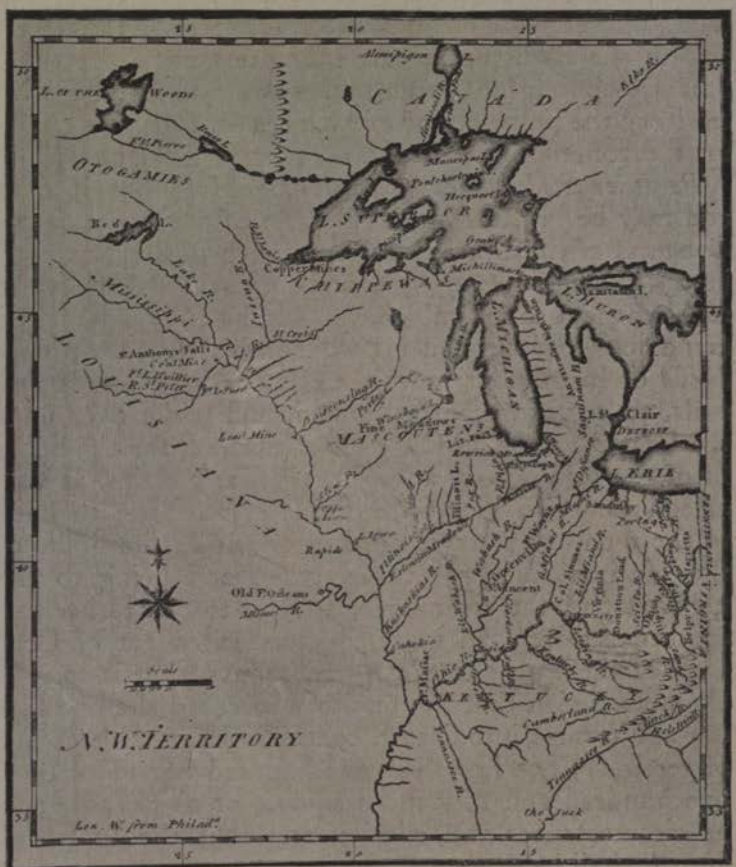
Sec. 3. And whereas the United States in Congress assembled have, by their act of the 13th of September last, stipulated the terms on which they agree to accept the cession of this State, should the legislature approve thereof, which terms, although they do not come fully



MOLL'S MAP OF THE NORTHWEST, 1720

up to the propositions of this commonwealth, are conceived, on the whole, to approach so nearly to them as to induce this State to accept thereof, in full confidence that Congress will, in justice to this State for the liberal cession she hath made, earnestly press upon the other States claiming large tracts of waste and uncultivated territory the propriety of making cessions equally liberal for the common benefit and support of the Union:

Be it enacted by the general assembly, That it shall and may be lawful for the delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and the said delegates, or such of them so assembled, are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instrument in writing, under their hands and seals, to convey, transfer, assign, and make over unto the United States, in Congress assembled, for the benefit of the said States, all right, title, and claim, as well of soil as jurisdiction, which this commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being to the northwest of the river Ohio, subject to the terms and conditions contained in the before-recited act of Congress of the 13th day of September last, that is to say: Upon condition that the territory so ceded shall be laid out and formed into States, containing a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; and that the States so formed shall be distinct republican States, and admitted members of the Federal Union, having the same rights of sovereignty, freedom, and independence as the other States; that the necessary and reasonable expenses incurred by this State in subduing any British posts, or in maintaining forts or garrisons within and for the defence, or in acquiring any part of the territory so ceded or relinquished, shall be fully reimbursed by the United



REDUCED FACSIMILE OF MAP OF THE NORTHWEST TERRITORY

(From Joseph Scott's "United States Gazetteer," Philadelphia, 1795. This was one of the earliest books published on this subject. The map was drawn and engraved by the author)

States; and that one commissioner shall be appointed by Congress, one by this commonwealth and another by those two commissioners, who, or a majority of them, shall be authorized and empowered to adjust and liquidate the account of the necessary and reasonable expenses incurred by the State, which they shall judge to be comprised within the intent and meaning of the act of Congress of the 10th of October, 1780, respecting such expenses. That the French and Canadian inhabitants, and other settlers of the Kaskaskies, Saint Vincents, and the neighboring villages, who have professed themselves citizens of Virginia, shall have their possessions and titles confirmed to them, and be protected in the enjoyment of their rights and liberties. That a quantity, not exceeding one hundred and fifty thousand acres, of land, promised by this State, shall be allowed and granted to the then Colonel, now General, George Rogers Clark, and to the officers and soldiers of his regiment who marched with him when the posts of Kaskaskies and Saint Vincents were reduced, and to the officers and soldiers that have been since incorporated into the said regiment, to be laid off in one tract, the length of which not to exceed double the breadth, in such place on the northwest side of the Ohio as a majority of the officers shall choose, and to be afterwards divided among the said officers and soldiers in due proportion according to the laws of Virginia. That in case the quantity of good lands on the southeast side of the Ohio, upon the waters of Cumberland River, and between the Green River and Tennessee River, which have been reserved by law for the Virginia troops upon continental establishment, should, from the North Carolina line bearing in further upon the Cumberland lands than was expected, prove insufficient for their legal bounties, the deficiency should be made up to the said troops in good lands, to be laid off between the rivers Scioto and Little Miami, on the northwest side of the river Ohio, in such proportions as

have been engaged to them by the laws of Virginia. That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American Army, shall be considered as a common fund for the use and benefit of such of the United States as have become, or shall become members of the confederation or federal alliance of the said States, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, and shall be faithfully and *bona fide* disposed of for that purpose, and for no other use or purpose whatsoever: *Provided*, That the trust hereby reposed in the delegates of this State shall not be executed unless three of them, at least, are present in Congress.

Washington's Refusal to Become King, 1783

In May, 1782, while Washington had his headquarters at Newburg, Col. Lewis Nicola, previously one of his most trusted officers, addressed a letter to his chief proposing an action that aroused the latter's indignation. The extract from this letter and Washington's reply are from "The Writings of George Washington," compiled by W. C. Ford, 1891, Vol. X., pp. 21–22. (See page 36.)

Nicola's Proposal

. . . In this case it will, I believe, be uncontroverted, that the same abilities which have led us through difficulties apparently insurmountable by human power, to victory and glory, those qualities, that have merited and obtained the universal esteem and veneration of an army, would be most likely to conduct and direct us in the smoother paths of peace.



AUTOGRAPH OF LEWIS NICOLA

Some people have so connected the idea of tyranny and monarchy, as to find it very difficult to separate them. It may, therefore, be requisite to give the head of such a constitution, as I propose, some title apparently more moderate; but if all other things were once adjusted, I believe strong arguments might be produced for ad-



WASHINGTON REFUSING A DICTATORSHIP

(From a picture by Howard Pyle)

mitting the title of KING, which I conceive would be attended with some national advantages. . . .

Washington's Reply

Newburg, *22 May, 1782*

Sir, With a mixture of great surprise and astonishment, I have read with attention the sentiments you have submitted to my perusal. Be assured, Sir, no occurrence in the course of this war has given me more painful sensations, than your information of there being such ideas existing in the army, as you have expressed, and which I must view with abhorrence and reprehend with severity. For the present, the communication of them will rest in my own bosom, unless some further agitation of the matter shall make a disclosure necessary.

I am much at a loss to conceive what part of my conduct could have given encouragement to an address, which to me seems big with the greatest mischiefs, that can befall my Country. If I am not deceived in the knowledge of myself, you could not have found a person to whom your schemes are more disagreeable. At the same time, in justice to my own feelings, I must add, that no man possesses a more sincere wish to see ample justice done to the army than I do; and, as far as my powers and influence, in a constitutional way, extend, they shall be employed to the utmost of my abilities to effect it, should there be any occasion. Let me conjure you, then, if you have any regard for your Country, concern for yourself or posterity, or respect for me, to banish these thoughts from your mind, and never communicate, as from yourself or any one else, a sentiment of the like nature. I am, Sir, your most obedient servant.

G^o^ WASHINGTON.

Washington and the Newburg Address, 1783

In the winter and spring of 1783 the Continental Army was encamped near Newburg, New York. In December, 1782, the officers had petitioned the Congress for an adjustment of matters, especially the arrearages of pay, that were causing widespread discontent, and in March, 1783, two anonymous addresses were circulated through the camp, the first advising the army to take matters in its own hands and to arouse the fears of the people and of the Congress. Washington summoned his officers to a meeting on March 15, and there called their attention to the anonymous address, and read to them a reply thereto. The following is the text of the first anonymous address and of Washington's rejoinder. Text of Washington's address to his officers, March 15, 1783, at Newburg, from "The Writings of George Washington," edited by W. C. Ford, 1891, Vol. X., pp. 170–174. (See page 36.)

I

The Newburg Address

Gentlemen,—A fellow-soldier, whose interests and affections bind him strongly to you, whose past sufferings have been as great, and whose future fortunes may be as desperate as yours, would beg leave to address you. Age has its claims, and rank is not without its pretensions

to advise; but, though unsupported by both, he flatters himself that the plain language of sincerity and experience will neither be unheard nor unregarded.

Like many of you, he loved private life, and left it with regret. He left it, determined to retire from the field with the necessity that called him to it, and not till then —not till the enemies of his country, the slaves of power, and the hirelings of injustice, were compelled to abandon their schemes, and acknowledge America as terrible in arms as she had been humble in remonstrance. With this object in view, he has long shared in your toils and mingled in your dangers. He has felt the cold hand of poverty without a murmur, and has seen the insolence of wealth without a sigh. But, too much under the direction of his wishes, and sometimes weak enough to mistake desire for opinion, he has till lately, very lately, believed in the justice of his country. He hoped that, as the clouds of adversity scattered, and as the sunshine of peace and better fortune broke in upon us, the coldness and severity of government would relax, and that more than justice, that gratitude, would blaze forth upon those hands which had upheld her in the darkest stages of her passage from impending servitude to acknowledged independence. But faith has its limits as well as temper, and there are points beyond which neither can be stretched without sinking into cowardice or plunging into credulity. This, my friends, I conceive to be your situation. Hurried to the very verge of both, another step would ruin you forever. To be tame and unprovoked when injuries press hard upon you is more than weakness; but to look up for kinder usage, without one manly effort of your own, would fix your character and show the world how richly you deserve those chains you broke. To guard against this evil, let us take a review of the ground upon which we now stand, and thence carry our thoughts forward for a moment into the unexplored field of expedient. After a pursuit of seven long



WASHINGTON'S HEADQUARTERS AT NEWBURG

years the object for which we set out is at length brought within our reach. Yes, my friends, that suffering courage of yours was active once—it has conducted the United States of America through a doubtful and a bloody war; it has placed her in the chair of independence, and peace returns again—to bless whom? A country willing to redress your wrongs, cherish your worth, and reward your services? A country courting your return to private life with tears of gratitude and smiles of admiration—longing to divide with you the independency which your gallantry has given, and those riches which your wounds have preserved? Is this the case?—or is it rather a country that tramples upon your rights, disdains your cries, and insults your distresses? Have you not more than once suggested your wishes, and made known your wants, to Congress—wants and wishes which gratitude and policy should have anticipated rather than evaded? And have you not lately, in the meek language of entreating memorials, begged from their justice what you could no longer expect from their favor? How have you been answered? Let the letter which you are called to consider to-morrow reply.

If this, then, be your treatment while the swords you wear are necessary for the defence of America, what have you to expect from peace, when your voice shall sink, and your strength dissipate, by division—when those very swords, the instruments and companions of your glory, shall be taken from your sides, and no remaining mark of military distinction left but your wants, infirmities, and scars? Can you then consent to be the only sufferers by this revolution; and, retiring from the field, grow old in poverty, wretchedness, and contempt? Can you consent to wade through the vile mire of dependency, and owe the miserable remnant of that life to charity, which has hitherto been spent in honor? If you can, go, and carry with you the jest of Tories and the scorn of Whigs; the ridicule, and what is worse, the pity,

of the world. Go, starve, and be forgotten. But if your spirit should revolt at this—if you have sense enough to discover and spirit enough to oppose tyranny, under whatever garb it may assume, whether it be the plain coat of republicanism or the splendid robe of royalty—if you have yet learned to discriminate between a people and a cause, between men and principles—awake, attend to your situation, and redress yourselves. If the present moment be lost, every future effort is in vain, and your threats then will be as empty as your entreaties now.

I would advise you, therefore, to come to some final opinion upon what you can bear and what you will suffer. If your determination be in any proportion to your wrongs, carry your appeal from the justice to the fears of government. Change the milk-and-water style of your last memorial; assume a bolder tone, decent, but lively, spirited, and determined; and suspect the man who would advise to more moderation and longer forbearance. Let two or three men, who can feel as well as write, be appointed to draw up your last remonstrance; for I would no longer give it the suing, soft, unsuccessful epithet of memorial. Let it be represented, in language that will neither dishonor you by its rudeness nor betray you by its fears, what has been promised by Congress, and what has been performed; how long and how patiently you have suffered; how little you have asked, and how much of that little has been denied. Tell them that though you were the first, and would wish to be the last, to encounter danger, though despair itself can never drive you into dishonor, it may drive you from the field; that the wound, often irritated, and never healed, may at length become incurable; and that the slightest mark of malignity from Congress now must operate like the grave, and part you forever. That, in any political event, the army has its alternative; if peace, that nothing shall separate you from your arms

New-York, Nov. 24, 1783.

The Committee appointed to conduct the Order of receiving their Excellencies Governor CLINTON and General WASHINGTON,

BEG Leave to inform their Fellow-Citizens, that the Troops, under the Command of Major-General KNOX, will take Poſſeſſion of the City at the Hour agreed on, Tueſday next; as ſoon as this may be performed, he will requeſt the Citizens who may be aſſembled on Horſeback, at the Bowling-Green, the lower End of the Broad-Way, to accompany him to meet their Excellencies GovernorCLINTON and General WASHINGTON, at the Bull's Head, in the Bowery---the Citizens on Foot to aſſemble at or near the Tea-water-Pump at Freſh-water.

ORDER OF PROCESSION.

A Party of Horſe will precede their Excellencies and be on their flanks---after the General and Governor, will follow the Lieutenant-Governor and Members of the Council for the temporary Government of the Southern Parts of the State---The Gentlemen on Horſe-back, eight in Front---thoſe on Foot, in the Rear of the Horſe, in like Manner. Their Excellencies, after paſſing down Queen-Street, and the Line of Troops up the Broadway, will alight at CAPE's Tavern.

The Committee hope to ſee their Fellow-Citizens, conduct themſelves with Decency and Decorum on this joyful Occaſion.

CITIZENS TAKE CARE!!!

THE Inhabitants are hereby informed, that Permiſſion has been obtained from the Commandant, to form themſelves in patroles this night, and that every order requiſite will be given to the guards, as well to aid and aſſiſt, as to give protection to the patroles: And that the counterſign will be given to THOMAS TUCKER, No. 52, Water Street; from whom it can be obtained, if neceſſary.

BROADSIDE ANNOUNCING WASHINGTON'S ENTRY INTO NEW YORK
(From an original in the possession of the New York Historical Society)

but death; if war, that courting the auspices and inviting the directions of your illustrious leader, you will retire to some unsettled country, smile in your turn, and "mock when their fear cometh on." But let it represent also, that should they comply with the request of your late memorial, it would make you more happy, and them more respectable; that while war should continue, you would follow their standard into the field; and when it came to an end, you would withdraw into the shade of private life, and give the world another subject of wonder and applause—an army victorious over its enemies, victorious over itself.

II

Washington's Speech to His Officers

Gentlemen,—By an anonymous summons an attempt has been made to convene you together; how inconsistent with the rules of propriety, how unmilitary, and how subversive of all order and discipline, let the good sense of the army decide. In the moment of this summons, another anonymous production was sent into circulation, addressed more to the feelings and passions than to the judgment of the army. The author of the piece is entitled to much credit for the goodness of his pen; and I could wish he had as much credit for the rectitude of his heart; for, as men see through different optics, and are induced by the reflecting faculties of the mind to use different means to attain the same end, the author of the address should have had more charity than to mark for suspicion the man who should recommend moderation and longer forbearance; or, in other words, who should not think as he thinks, and act as he advises.

But he had another plan in view, in which candor and

liberality of sentiment, regard to justice, and love of country have no part; and he was right to insinuate the darkest suspicion to effect the blackest design. That the address was drawn with great art, and is designed to answer the most insidious purposes; that it is calculated to impress the mind with an idea of premeditated injustice in the sovereign power of the United States, and rouse all the resentments which must unavoidably flow from such a belief; that the secret mover of this scheme, whoever he may be, intended to take advantage of the passions while they were warmed by the recollection of past distresses, without giving time for cool, deliberate thinking, and that composure of mind which is so necessary to give dignity and stability to measures, is rendered too obvious, by the mode of conducting the business, to need other proofs than a reference to the proceedings.

Thus much, gentlemen, I have thought incumbent on me to observe to you, to show upon what principles I opposed the irregular and hasty meeting which was proposed to have been held on Tuesday last, and not because I wanted a disposition to give you every opportunity, consistent with your own honor and the dignity of the army, to make known your grievances. If my conduct, therefore, has not evinced to you that I have been a faithful friend to the army, my declaration of it at this time would be equally unavailing and improper. But, as I was among the first who embarked in the cause of our common country; as I have never left your side one moment, but when called from you on public duty; as I have been the constant companion and witness of your distresses, and not among the last to feel and acknowledge your merits; as I have ever considered my own military reputation as inseparably connected with that of the army; as my heart has ever expanded with joy when I have heard its praises, and my indignation has arisen when the mouth of detraction has been opened



WASHINGTON AND HIS GENERALS IN CONSULTATION, MARCH 15, 1783, NEWBURG

(From a picture by Howard Pyle)

against it: it can scarcely be supposed, at this stage of the war, that I am indifferent to its interests. But how are they to be promoted? The way is plain, says the anonymous addresser. If war continues, remove into the unsettled country; there establish yourselves, and leave an ungrateful country to defend itself. But who are they to defend? Our wives, our children, our farms, and other property which we leave behind us? or, in this state of hostile preparation, are we to take the first two (the latter cannot be removed), to perish in the wilderness, with hunger, cold, and nakedness?

If peace takes place, never sheathe your sword, says he, until you have obtained full and ample justice. This dreadful alternative of either deserting our country in the extremest hour of her distress, or turning our arms against it, which is the apparent object, unless Congress can be compelled into instant compliance, has something so shocking in it that humanity revolts at the idea. My God, what can this writer have in view by recommending such measures? Can he be a friend to the army? Can he be a friend to this country? Rather, is he not an insidious foe; some emissary, perhaps, from New York, plotting the ruin of both, by sowing the seeds of discord and separation between the civil and military powers of the continent? And what a compliment does he pay to our understandings when he recommends measures, in either alternative, impracticable in their nature.

But here, gentlemen, I will drop the curtain, because it would be as imprudent in me to assign my reasons for this opinion as it would be insulting to your conception to suppose you stood in need of them. A moment's reflection will convince every dispassionate mind of the physical impossibility of carrying either proposal into execution. There might, gentlemen, be an impropriety in my taking notice in this address to you, of an anonymous production; but the manner in which that performance has been introduced to the army, the effect

it was intended to have, together with some other circumstances, will amply justify my observations on the tendency of that writing.

With respect to the advice given by the author, to suspect the man who should recommend moderate measures, I spurn it, as every man who regards that liberty and reveres that justice for which we contend undoubtedly must; for, if men are to be precluded from offering their sentiments on a matter which may involve the most serious and alarming consequences that can invite the consideration of mankind reason is of no use to us. The freedom of speech may be taken away, and dumb and silent we may be led like sheep to the slaughter. I cannot in justice to my own belief, and what I have great reason to conceive is the intention of Congress, conclude this address without giving it as my decided opinion that that honorable body entertains exalted sentiments of the services of the army, and, from a full conviction of its merits and sufferings, will do it complete justice. That their endeavors to discover and establish funds for this purpose have been unwearied, and will not cease till they have succeeded, I have not a doubt; but, like all other large bodies, where there is a variety of different interests to reconcile, their determinations are slow. Why, then, should we distrust them; and, in consequence of that distrust, adopt measures which may cast a shade over that glory which has been so justly acquired, and tarnish the reputation of an army which is celebrated through all Europe for its fortitude and patriotism? And for what is this done? To bring the object we seek nearer? No; most certainly in my opinion, it will cast it at a greater distance. For myself (and I take no merit for giving the assurance, being induced to it from principles of gratitude, veracity, and justice, and a grateful sense of the confidence you have ever placed in me), a recollection of the cheerful assistance and prompt obedience I have experienced from



INTERIOR OF WASHINGTON'S HEADQUARTERS, NEWBURG

you under every vicissitude of fortune, and the sincere affection for an army I have so long had the honor to command, will oblige me to declare in this public and solemn manner, that in the attainment of complete justice for all your toils and dangers, and in the gratification of every wish, so far as may be done consistently with the great duty I owe to my country, and those powers we are bound to respect, you may freely command my services to the utmost extent of my abilities.

While I give you these assurances, and pledge myself in the most unequivocal manner to exert whatever abilities I am possessed of in your favor, let me entreat you, gentlemen, on your part, not to take any measures which, viewed in the calm light of reason, will lessen the dignity and sully the glory you have hitherto maintained. Let me request you to rely on the plighted faith of your country, and place a full confidence in the purity of the intentions of Congress, that, previous to your dissolution as an army, they will cause all your actions to be fairly liquidated, as directed in the resolutions which were published to you two days ago; and that they will adopt the most effectual measures in their power to render ample justice to you for your faithful and meritorious services. And let me conjure you, in the name of our common country, as you value your own sacred honor, as you respect the rights of humanity, and as you regard the military and national character of America, to express your utmost horror and detestation of the man who wishes, under any specious pretences, to overturn the liberties of our country; and who wickedly attempts to open the floodgates of civil discord, and deluge our rising empire in blood.

By thus determining and thus acting you will pursue the plain and direct road to the attainment of your wishes; you will defeat the insidious designs of our enemies, who are compelled to resort from open force to secret artifice; you will give one more distinguished

proof of unexampled patriotism and patient virtue rising superior to the pressure of the most complicated sufferings, and you will, by the dignity of your conduct, afford occasion for posterity to say, when speaking of the glorious example you have exhibited to mankind: "Had this day been wanting, the world had never seen the last stage of perfection to which human nature is capable of attaining."

Cost of the War of Independence, 1775–83

Many estimates have been made of the cost of the War of Independence, and it is doubtful if the actual amount will ever be ascertained because of the varied sources of the National and State debts incurred during the war. The following is an analytical consideration of the subject by Richard Hildreth in his "History of the United States," edition of 1852. (See page 32.)

The independence of the United States had not been achieved except at very heavy cost. Not to dwell on the manifold calamities of the war—towns burned, the country ravaged, the frontiers attacked by the Indians, property plundered by the enemy or impressed for the public service, citizens called out to serve in the militia or drafted into the regular army, nakedness, disease, and sometimes hunger in the camp, the miseries of the hospitals, the horrors of the British prison ships—worse than all, the remorseless fury and rancorous vindictiveness of civil hatred; besides all this, the mere pecuniary cost of the war had imposed a very heavy burden, amounting to not much less than a hundred and seventy millions of dollars—a greater outlay, in proportion to the wealth of the country, than ten times as much would be at the present moment. Of this sum two-thirds had been expended by Congress, and the balance by the individual States. It had been raised in four ways: by taxes under the disguise of a depreciating currency; by

IN CONGRESS,

OCTOBER 8, 1778.

RESOLVED, That all Limitations of prices of Gold and Silver be taken off.

JANUARY 1ſt, 1779.

Reſolved, That it be recommended to the ſeveral States forthwith to adopt ſuch meaſures as may be effectual for detecting perſons employed in making Counterfeit Bills or paſſing the ſame, knowing them to be ſuch

NOVEMBER 19, 1778.

Reſolved, That the Commiſſioners of the Continental Loan-Offices of the United States, be reſpectively directed to receive for Loan-Office Certificates, ſuch Bills of Credit only, as have been or may be emitted by Congreſs, any Reſolution to the contrary notwithſtanding.

JANUARY 1ſt, 1779.

Reſolved, That One-eighth per cent be allowed to the Commiſſioners of the Loan-Offices, on the amount of Bills to be exchanged by them reſpectively, in lieu of all other expences attending the ſaid Buſineſs.

JANUARY 14, 1779.

Reſolved, That it be recommended to the ſeveral States to take the moſt ſpeedy and effectual meaſures for publiſhing the Reſolutions of the 2d Inſtant, in their ſeveral Counties, Towns and Diſtricts, and for encouraging the wealthy inhabitants thereof, to unite in aſſiſting the indigent by exchanging without diſcount, Bills in their poſſeſſion, of the Emiſſions of May 20, 1777, and April 11, 1778.

Extract from the minutes,

CHARLES THOMSON, Secretary.

PHILADELPHIA: Printed by JOHN DUNLAP.

FINANCIAL RESOLVES OF CONGRESS, 1778–79

(From an original Broadside in the New York Public Library)

taxes directly imposed; by borrowing; and by running in debt.

Of the two hundred millions issued by Congress in Continental bills of credit, eighty-eight millions, received into the State treasuries in payment of taxes at the rate of forty for one, had been replaced by bills of the "new tenor," to the amount of four millions four hundred thousand dollars, bearing interest at six per cent. Massachusetts, New Hampshire, and Rhode Island had thus taken up and redeemed their entire quota of the old paper. Connecticut, Delaware, the Carolinas, and Georgia had taken up none; the remaining States but a part of their quota. Besides the bills thus redeemed, near forty millions were in the Federal treasury. As to the outstanding seventy millions, there was no thought of redeeming or funding them at any higher rate than seventy-five or a hundred for one. Many of these bills were in the State treasuries, into which they had come in payment of taxes; but a large amount remained also in the hands of individuals.

The depreciation and subsequent repudiation of this paper had imposed a tax upon the country to the amount of perhaps seventy millions of specie dollars—a tax very unequal and unfair in its distribution, falling heaviest on the ignorant and helpless; the source in private business of numberless frauds, sanctioned, in fact, by the laws of the States, which had continued to make the bills a legal tender after they had fallen to a tenth, a twentieth, and even a fortieth part of their nominal value. But in what other way could Congress have realized anything like the same sum of money? How else could the war have been carried on at all?

Besides the Continental paper issued by Congress, all the States had put out bills of their own. In some States, as Massachusetts and Pennsylvania, these bills had been called in and funded at their nominal value. In others, especially at the South, they had been par-

By the UNITED STATES in CONGRESS assembled.

OCTOBER 11, 1787.

THE Committee to whom was referred a Report of the Board of Treasury and a Motion of Mr. Kean, respecting the Requisition for 1787, having reported, "That from the several papers referred to them, it appears that there is wanting for the services of the year 1787, the payment of one year's interest on the Foreign Debt, and such part of the principal as becomes due in the year 1788, and the payment of one year's interest on the Domestic Debt, the sum of 3,009,798. 64-90 dollars.

"That of the aforesaid sum, 1,309,391. 64-90 is absolutely necessary in specie—that there are considerable sums in specie due from the states over and above those which are necessary to discharge the existing demands on former requisitions, which sums are nearly equal to the payment of that part of the present requisition that is absolutely necessary in specie, and the objects for which the said sums were called for no longer existing, they may be now appropriated to the purposes of the present requisition—that in their opinion many difficulties have arisen from the restrictions made in former requisitions in the issuing of the Indents of Interest; the making them receivable only for the year in which they were issued, and then only when accompanied by a proportion of specie, and declaring that after a certain period they should not be received from the states at the federal treasury, all which have served to check the exertions of the states, and to keep back the specie payments; nor have they had those beneficial effects expected from them of stopping the issue of Indents where states had not passed legislative acts to call them in, or keeping up their value and preventing depreciation, but on the contrary have opened a new scene of speculation in transferring the property of a citizen of a state which has not passed a legislative act, to a citizen of a state which has. In addition to this the committee observe, that the acts of Congress empowering the Board of Treasury to contract for the sale of Western Territory, also empowers them to issue Indents of Interest to the purchasers, so that to continue such restrictions would operate only to the injury of a few, and be no public benefit." Whereupon,

RESOLVED,

That for the services of the year 1787, for the payment of one year's interest on the Foreign Debt, and such part of the principal as becomes due in the year 1788, and for the payment of one year's interest on the Domestic Debt, it will be necessary that three millions and nine thousand seven hundred and ninety-eight sixty-four ninetieths dollars be paid into the treasury of the United States on or before the first day of July next, to be appropriated to the following purposes, viz.

For the Civil Department,			114,181. 85
Military Department,			136,777. 13
Geographer's Department,			924
Invalid Pensions,			82,000
Contingencies,			19,000
Foreign Debt for the payment of Interest on the French and Dutch Loans and two instalments of Principal on the French Loans, becoming due 1788,		871,622. 87	
Spanish Loan, one year's Interest due thereon,		8,700	
Debt due to Foreign Officers, one year's Interest thereon		11,185. 55	
			891,508. 32
Domestic Debt, one year's Interest thereon,			1,900,407
Making in the whole,	dollars		3,009,798. 64

Resolved, That the sums called for in the years 1784, 1785, and 1786, and stated by the Board of Treasury not now to be necessary, the objects for which they were called for no longer existing, which sums amount to one million two hundred thousand dollars, be now appropriated to the payment of that part of the present requisition which cannot be discharged but with specie; any thing in former requisitions to the contrary notwithstanding: and shall be applied in conformity with the several appropriations in the preceding part of this report, giving preference according to the order in which they are stated in the estimate.

RESOLUTION OF CONGRESS, OCTOBER 11, 1787

(From an original Broadside in New York Public Library)

tially redeemed by the issue of land warrants. The remainder had shared the fate of the Continental money, being either suffered to fall dead in the hands of the holders, or being funded at an immense depreciation. No State had made such profuse issues as Virginia, and such of her bills as were not paid in for land warrants were finally funded at the rate of a thousand for one.

Besides the taxes thus indirectly imposed, very heavy direct taxes had been levied, especially toward the conclusion of the war. The amount raised by the States, whether through the medium of repudiated paper or taxes, it is impossible to ascertain with precision, but it probably did not exceed thirty millions of dollars. The remaining seventy millions of the expenses of the war still hung over the Confederacy in the shape of debt.

Congress had begun to borrow while the issue of paper was still going on; and after that issue stopped, to borrow and to run in debt became the chief Federal resources. A Federal debt had been thus contracted to the amount of some forty-four millions of dollars, of which about ten millions were due in Europe, principally to the French court. Franklin had signed contracts for the repayment of moneys advanced by France to the amount of thirty-four million livres, about seven million dollars. All the back interest was remitted; the reimbursement of the principal was to be made by instalments, to commence three years after peace. To this sum was to be added the small loan from Spain, the larger one from the French farmers-general, and so much of the Dutch loan as Adams had succeeded in getting subscribed. It was the produce of the subscription to this loan, amounting to about $700,000, which formed the resource of Morris for meeting the treasury notes in which the three months' pay had been advanced to the furloughed soldiers. That fund, however, was soon exhausted, and a considerable number of the bills

drawn upon it were likely to come back protested; but, by paying an enormous premium, Adams succeeded in borrowing an additional amount of about $800,000, out of which the bills of Morris were met. The loan in Holland, formerly yielded to the solicitations of Laurens, formed a part of the French debt. It had been lent, in fact, to France for the benefit of the United States. The Federal debt, besides this amount due abroad, included eleven millions and a half, specie value, borrowed on loan-office certificates at home; six millions due to the army for deficiencies and depreciation of pay; five millions due to the officers for the commutation of their half pay for life; and about twelve millions more on unliquidated accounts, including, also, arrears of interest on the loan-office debt, of which but little had been paid since 1781, at which period the French Government had refused to advance any more money for that purpose. These unliquidated accounts included, also, certificates for supplies impressed for the army, and a mass of unsettled claims in the old currency, in all the departments, civil and military, which the officers appointed for that purpose were busy in reducing to specie value. Besides this Federal debt, each State was burdened with a particular debt of its own; the whole together amounting to some twenty-five or six millions of dollars, thus raising the total indebtedness of the country, State and Federal, to the before-mentioned sum of seventy millions.

The First American Minister to the Court of St. James's, 1785

While still in France, John Adams was appointed Minister to the Court of St. James's, and arrived in London in May, 1785. Realizing the impossibility of carrying out his instructions there, owing to the attitude of the English government, he asked to be recalled, and his request was granted in February, 1788. The following is his official report on his presentation to King George III., dated June 2, 1785, and addressed to John Jay, then Secretary for Foreign Affairs in Washington's Cabinet. From "The Works of John Adams" (Boston, 1853, Vol. VIII., pp. 255–259). (See page 104.)

Bath Hotel, Westminster, *2 June, 1785.*

Dear Sir,

During my interview with the Marquis of Carmarthen, he told me that it was customary for every foreign minister, at his first presentation to the King, to make his Majesty some compliments conformable to the spirit of his letter of credence; and when Sir Clement Cottrell Dormer, the master of the ceremonies, came to inform me that he should accompany me to the Secretary of State and to Court, he said that every foreign minister whom he had attended to the Queen had always made a harangue to her Majesty, and he understood, though he had not been present, that they always harangued the King.

On Tuesday evening the Baron de Lynden called



JOHN ADAMS IN COURT DRESS

(From the painting by Copley in Memorial Hall, Cambridge)

upon me, and said he came from the Baron de Nolken, and that they had been conversing upon the singular situation I was in, and they agreed in opinion that it was indispensable that I should make a speech, and that that speech should be as complimentary as possible. All this was conformable to the advice lately given by the Count de Vergennes to Mr. Jefferson; so that, finding it was a custom established at both these great Courts, and that this Court and the foreign ministers expected it, I thought I could not avoid it, although my first thought and inclination had been to deliver my credentials silently and retire.

At one, on Wednesday, the master of ceremonies called at my house, and went with me to the Secretary of State's office, in Cleveland Row, where the Marquis of Carmarthen received me, and introduced me to his under secretary, Mr. Fraser, who has been, as his Lordship told me, uninterruptedly in that office, through all the changes in administration for thirty years, having first been appointed by the Earl of Holderness. After a short conversation upon the subject of importing my effects from Holland and France free of duty, which Mr. Fraser himself introduced, Lord Carmarthen invited me to go with him in his coach to Court. When we arrived in the antechamber, the *œil de bœuf* of St. James's, the master of the ceremonies met me and attended me, while the Secretary of State went to take the commands of the King. While I stood in this place, where it seems all ministers stand upon such occasions, always attended by the master of ceremonies, the room very full of ministers of state, lords, and bishops, and all sorts of courtiers, as well as the next room, which is the King's bedchamber, you may well suppose I was the focus of all eyes.

I was relieved, however, from the embarrassment of it by the Swedish and Dutch ministers, who came to me, and entertained me in a very agreeable conversa-

tion during the whole time. Some other gentlemen, whom I had seen before, came to make their compliments too, until the Marquis of Carmarthen returned and desired me to go with him to his Majesty. I went with his Lordship through the levee room into the King's closet. The door was shut, and I was left with his Majesty and the Secretary of State alone. I made the three reverences—one at the door, another about half way, and a third before the presence—according to the usage established at this and all the northern Courts of Europe, and then addressed myself to his Majesty in the following words:

"Sir:—The United States of America have appointed me their minister plenipotentiary to your Majesty, and have directed me to deliver to your Majesty this letter, which contains the evidence of it. It is in obedience to their express commands, that I have the honor to assure your Majesty of their unanimous disposition and desire to cultivate the most friendly and liberal intercourse between your Majesty's subjects and their citizens, and of their best wishes for your Majesty's health and happiness, and for that of your royal family. The appointment of a minister from the United States to your Majesty's Court will form an epoch in the history of England and of America. I think myself more fortunate than all my fellow citizens, in having the distinguished honor to be the first to stand in your Majesty's royal presence in a diplomatic character; and I shall esteem myself the happiest of men, if I can be instrumental in recommending my country more and more to your Majesty's royal benevolence, and of restoring an entire esteem, confidence, and affection, or, in better words, the old good nature and the old good humor between people, who, though separated by an ocean, and under different governments, have the same language, a similar religion, and kindred blood.

"I beg your Majesty's permission to add, that, al-



ABIGAIL ADAMS, WIFE OF JOHN ADAMS
(From Higginson's "Larger History of the United States")

though I have some time before been entrusted by my country, it was never in my whole life in a manner so agreeable to myself."

The King listened to every word I said, with dignity, but with an apparent emotion. Whether it was the nature of the interview, or whether it was my visible agitation, for I felt more than I did or could express, that touched him, I could not say. But he was much affected, and answered me with more tremor than I had spoken with, and said:

"Sir:—The circumstances of this audience are so extraordinary, the language you have now held is so extremely proper, and the feelings you have discovered so justly adapted to the occasion, that I must say that I not only receive with pleasure the assurance of the friendly dispositions of the United States, but that I am very glad the choice has fallen upon you to be their minister. I wish you, sir, to believe, and that it may be understood in America, that I have done nothing in the late contest but what I thought myself indispensably bound to do, by the duty which I owed to my people. I will be very frank with you. I was the last to consent to the separation; but the separation having been made, and having become inevitable, I have always said, as I say now, that I would be the first to meet the friendship of the United States as an independent power. The moment I see such sentiments and language as yours prevail, and a disposition to give to this country the preference, that moment I shall say, let the circumstances of language, religion, and blood have their natural and full effect."

I dare not say that these were the King's precise words, and, it is even possible, that I may have in some particular mistaken his meaning; for, although his pronunciation is as distinct as I ever heard, he hesitated some time between his periods, and between the members of the same period. He was indeed much affected,



JOHN ADAMS

(From an original portrait in the possession of Edmund Jennings, Esq. Published September 1, 1783, by J. Fielding, 23 Pater Noster Row)

and I confess I was not less so, and, therefore, I can not be certain that I was so cool and attentive, heard so clearly, and understood so perfectly, as to be confident of all his words or sense; and, I think, that all which he said to me should at present be kept secret in America, unless his Majesty, or his Secretary of State, who alone was present, should judge proper to report it. This I do say, that the foregoing is his Majesty's meaning as I then understood it, and his own words as nearly as I can recollect them.

The King then asked me whether I came last from France, and upon my answering in the affirmative, he put on an air of familiarity, and, smiling, or rather laughing said, "There is an opinion among some people that you are not the most attached of all your countrymen of the manners of France." I was surprised at this, because I thought it an indiscretion and a departure from the dignity. I was a little embarrassed, but determined not to deny the truth on one hand, nor leave him to infer from it any attachment to England on the other. I threw off as much gravity as I could, and assumed an air of gayety and a tone of decision as far as was decent, and said, "That opinion, sir, is not mistaken; I must avow to your Majesty, I have no attachment but to my own country." The King replied, as quick as lightning, "An honest man will never have any other."

The King then said a word or two to the Secretary of State, which, being between them, I did not hear, and then turned round and bowed to me, as is customary with all kings and princes when they give the signal to retire. I retreated, stepping backward, as is the etiquette, and, making my last reverence at the door of the chamber, I went my way. The master of the ceremonies joined me the moment of my coming out of the King's closet, and accompanied me through the apartments down to my carriage, several stages of ser-

vants, gentlemen-porters, and under-porters, roaring out like thunder, as I went along, "Mr. Adams' servants, Mr. Adams' carriage, etc." I have been thus minute, as it may be useful to others hereafter to know.

The conversation with the King, Congress will form their own judgment of. I may expect from it a residence less painful than I once expected, and so marked an attention from the King will silence many grumblers; but we can infer nothing from all this concerning the success of my mission. . . .

With great respect, &c.,

JOHN ADAMS.

Founding the Federal Government, 1786

On September 11, 1786, commissioners from New York, New Jersey, Pennsylvania, Delaware, and Virginia assembled at Annapolis to "consider the best means of remedying the defects of the Federal government," and on February 21, 1787, the Congress by resolution urged the several legislatures to send deputies to a convention "for the sole and express purpose of revising the Articles of Confederation." The following extracts are from the text in the official proceedings of the commissioners, reprinted in Jonathan Elliot's Debates in the several State conventions and journal of the Federal convention on the adoption of the Federal Constitution, Philadelphia, 1876, Vol. I., pp. 118–120. (See page 38.)

The Commissioners' Report to the Congress, September 14, 1786

. . . That there are important defects in the system of the federal government, is acknowledged by the acts of all those states which have concurred in the present meeting; that the defects, upon a closer examination, may be found greater and more numerous than even these acts imply, is at least so far probable, from the embarrassments which characterize the present state of national affairs, foreign and domestic, as may reasonably be supposed to merit a deliberate and candid dis-

Procession.

Boston, Oct. 19, 1789.

As this town is shortly to be honoured with a visit from THE PRESIDENT of the United States: In order that we may pay our respects to him, in a manner whereby every inhabitant may see so illustrious and amiable a character, and to prevent the disorder and danger which must ensue from a great assembly of people without order, a Committee appointed by a respectable number of inhabitants, met for the purpose, recommend to their Fellow-Citizens to arrange themselves in the following order, in a

PROCESSION.

It is also recommended, that the person who shall be chosen as head of each order of Artizans, Tradesmen, Manufacturers, &c. shall be known by displaying a WHITE FLAG, with some device thereon expressive of their several callings, and to be numbered as in the arrangement that follows, which is alphabetically disposed, in order to give general satisfaction.—The Artizans, &c. to display such insignia of their craft, as they can conveniently carry in their hands. That uniformity may not be wanting, it is desired that the several Flag-staffs be SEVEN feet long, and the Flags a YARD SQUARE.

ORDER OF PROCESSION.

MUSICK.

The Selectmen.
Overseers of the Poor,
Town Treasurer,
Town Clerk,
Magistrates,
Counsels of France and Holland,
The Officers of his Most Christian Majesty's Squadron,
The Rev. Clergy,
Physicians,
Lawyers,
Merchants and Traders,
Marine Society,
Masters of Vessels,
Revenue Officers,
Strangers, who may wish to attend.

Bakers, No. 1.
Blacksmiths, &c. No. 2.
Block-makers, No. 3.
Boat-builders, No. 4.
Cabinet and Chair-makers, No. 5.
Card-makers, No. 6.
Carvers, No. 7.
Chaise and Coach-makers, No. 8.
Clock and Watch-makers, No. 9.
Coopers, No. 10.
Coppersmiths, Brasiers and Founders, No. 11.
Cordwainers, &c. No. 12.
Distillers, No. 13.
Duck Manufacturers, No. 14.
Engravers, No. 15.
Glaziers and Plumbers, No. 16.
Goldsmiths and Jewellers, No. 17.
Hair Dressers, No. 18.
Hatters and Furriers, No. 19.
House Carpenters, No. 20.
Leather Dressers and Leather Breeches Makers, No. 21.
Linnen and Cotton Printers, No. 22.
Masons, No. 23.
Mast-makers, No. 24.
Mathematical Instrument-makers, No. 25.
Millers, No. 26.
Painters, No. 27.
Paper Stainers, No. 28.
Pewterers, No. 29.
Printers, Book-binders and Stationers, No. 30.
Riggers, No. 31.
Rope-makers, No. 32.
Saddlers, No. 33.
Sail-makers, No. 34.
Ship-wrights, or House Carpenters, Ship-joiners, Head-builders and Sawyers, No. 35.
Sugar-bakers, No. 36.
Tallow-Chandlers, &c. No. 37.
Tanners, No. 38.
Taylors, No. 39.
Tin-plate Workers, No. 40.
Tobacconists, No. 41.
Truckmen, No. 42.
Turners, No. 43.
Upholsterers, No. 44.
Wharfingers, No. 45.
Wheelwrights, No. 46.
Scamen.

N. B.—In the above arrangement, some trades are omitted—from the idea, that they would incorporate themselves with the branches mentioned, to which they are generally attached. For instance—it is supposed, that under the head of *Blacksmiths*, the Armourers, Cutlers, Whitesmiths and other workers in iron, would be included; and the same with respect to other trades.

Each division of the above arrangement is requested to meet on such parade as it may agree on, and march into the Mall—No. 1 of the Artizans, &c. forming at the South-end thereof. The Marshals will then direct in what manner the Procession will move to meet the President on his arrival in town. When the front of the Procession arrives at the extremity of the town, it will halt, and the whole will then be directed to open the column—one half of each rank moving to the right, and the other half to the left—and then face inwards, so as to form an avenue through which the President is to pass, to the galeries to be erected at the State-House.

It is requested that the several School-masters conduct their Scholars to the neighborhood of the State-House, and form them in such order as the Marshals shall direct.

THE Marine Society is desired to appoint some person to arrange and accompany the seamen.

THE ORDER OF THE PROCESSION FOR THE RECEPTION OF PRESIDENT WASHINGTON, BOSTON, OCTOBER 19, 1789

(From an original Broadside in New York Public Library)

cussion, in some mode which will unite the sentiments and councils of all the states. In the choice of the mode, your commissioners are of opinion that a convention of deputies from the different states, for the special and sole purpose of entering into this investigation, and digesting a plan for supplying such defects as may be discovered to exist, will be entitled to a preference, from considerations which will occur without being particularized. . . .

Under this impression, your commissioners, with the most respectful deference, beg leave to suggest their unanimous conviction, that it may essentially tend to advance the interests of the Union, if the states, by whom they have been respectively delegated, would themselves concur, and use their endeavors to procure the concurrence of the other states, in the appointment of commissioners, to meet at Philadelphia, on the second Monday in May next, to take into consideration the situation of the United States, to devise such further provisions as shall appear to them necessary, to render the constitution of the federal government adequate to the exigencies of the Union; and to report such an act for that purpose, to the United States, in Congress assembled, as, when agreed to by them, and afterward confirmed by the legislatures of every state, will effectually provide for the same.

Action of the Congress, 1787

Whereas, there is provision in the articles of confederation and perpetual union, for making alterations therein, by the assent of a Congress of the United States, and of the legislatures of the several states; and, whereas, experience hath evinced that there are defects in the present confederation, as a means to remedy which several of the states, and particularly the state of New York, by express instructions to their delegates in Con-

gress, have suggested a convention for the purposes expressed in the following resolution; and such convention appearing to be the most probable means of establishing, in these states, a firm national government:—

Resolved, That, in the opinion of Congress, it is expedient that, on the second Monday in May next, a convention of delegates who shall have been appointed by the several states, be held at Philadelphia, for the sole and express purpose of revising the articles of confederation, and reporting to Congress and the several legislatures, such alteration and provisions therein, as shall, when agreed to in Congress, and confirmed by the states, render the federal constitution adequate to the exigencies of the government, and the preservation of the Union.

Adopted February 21, 1787.

The First Presidential Inauguration, 1789

The inauguration of a President of the United States, in the absence of all precedents, imposed on the Congress the duty of planning appropriate ceremonials, and the preliminary proceedings indicate how seriously the unusual task was viewed. The following extracts, from the "Washington Papers," Executive Proceedings, Vol. XVII., in the Department of State, show the various steps in the preparation for the great event. (See page 100.)

First Count of Electoral Votes, April 6, 1789

Be it known that the Senate and House of Representatives of the United States of America, being convened in the city and State of New York, this 6th day of April. A. D. 1789, the underwritten, appointed President of the Senate for the sole purpose of receiving, opening, and counting the votes of the electors, did, in the presence of the said Senate and House of Representatives, open all the certificates and count all the votes of the electors for a President and Vice-President, by which it appears that His Excellency George Washington, esq., was unanimously elected, agreeably to the Constitution, to the office of President of the said United States of America.

In testimony whereof I have hereunto set my hand and seal.

JOHN LANGDON.

New-York City Lottery.

SCHEME *of a* LOTTERY, *for the purpose of raiſing* Seven Thouſand Five Hundred Pounds, *agreeable to an Act of the* LEGISLATURE *of the State of* NEW-YORK, *paſſed 8th February*, 1790.

SCHEME.

1	*Prize of*	£. 3000	-	£. 3000
2	-	1000	-	2000
3	-	500	-	1500
10	-	200	-	2000
30	-	100	-	3000
59	-	50	-	2500
120	-	20	-	2400
180	-	10	-	1800
7950	-	4	-	31800

8346 *Prizes.* 16654 *Blanks.* } 25,000 Tickets, at 40s. each, - - - - £. 50000

Subject to a deduction of 15 per **Cent.**

THE object of this LOTTERY being to raiſe a part of the ſum advanced by the Corporation for repairing and enlarging the CITY-HALL, for the accommodation of CONGRESS, which does ſo much honor to the Architect, as well as credit to the City. The Managers preſume, that their Fellow-Citizens will cheerfully concur in promoting the ſale of Tickets, eſpecially, as the ſucceſs of this Lottery will relieve them from a Tax, which muſt otherwiſe be laid to reimburſe the Corporation.

The above SCHEME is calculated in a manner very beneficial to Adventurers, there not being *two Blanks to a Prize*.

The Lottery is intended to commence drawing on the *firſt Monday in Auguſt next*, or ſooner if filled, of which timely notice will be given. A liſt of the fortunate numbers will be publiſhed at the expiration of the drawing.

Tickets are to be ſold by the ſubſcribers, who are appointed Managers by the Corporation.

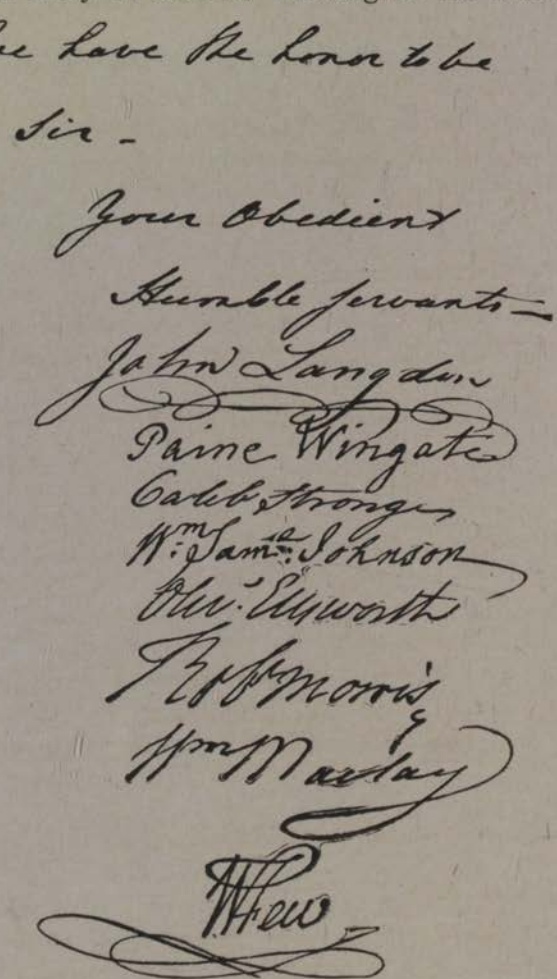
ISAAC STOUTENBURGH,
PETER T. CURTENIUS,
ABRAHAM HERRING,
JOHN PINTARD.

New-York, *March* 6, 1790.

LOTTERY SCHEME TO PAY FOR FEDERAL HALL
(From original in New York Historical Society)

Notification of Election

Charles Thomson, esq., Secretary of the late Congress, being appointed by the Senate of the United States to carry to General Washington the official in-



AUTOGRAPHS OF EIGHT SENATORS WHO SENT OUT AN APPEAL TO THE ABSENTEE SENATORS ON THE EVE OF WASHINGTON'S INAUGURATION

formation of his unanimous election to the office of President of the United States of America, arrived at Mount Vernon on the 14th day of April, A. D. 1789, when he communicated to General Washington the purport of his mission in the following words:

SIR: The President of the Senate chosen for the special purpose, having opened and counted the votes of the electors in presence of the Senate and House of Representatives, I was honored with the commands of the Senate to wait upon Your Excellency with the information of your being elected to the office of President of the United States of America. This commission was intrusted to me on account of my having been long in the confidence of the late Congress, and charged with the duties of one of the principal civil departments of Government.

I have now, sir, to inform you that the proofs you have given of your patriotism, and of your readiness to sacrifice domestic ease and private enjoyments to preserve the happiness of your country, did not permit the two Houses to harbor a doubt of your undertaking this great and important office, to which you are called, not only by the unanimous vote of the electors, but by the voice of America.

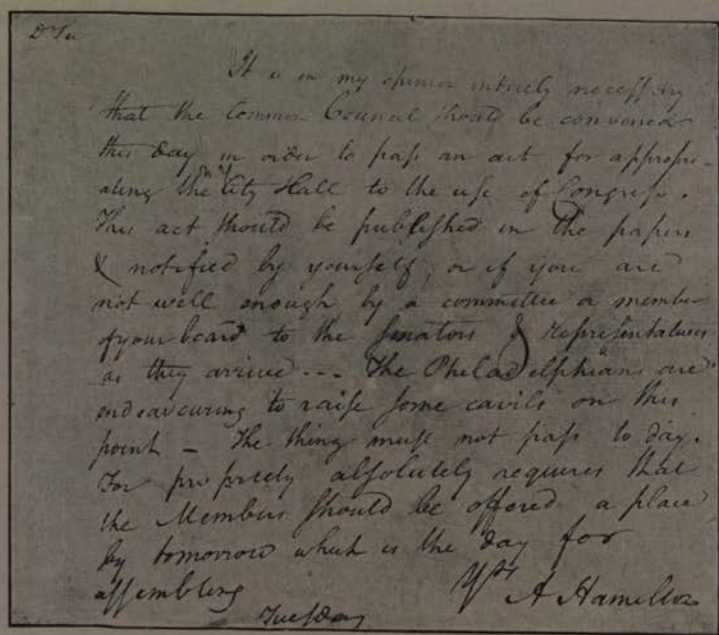
I have it, therefore, in command to accompany you to New York, where the Senate and House of Representatives are convened for the dispatch of public business.

To which General Washington replied:

SIR: I have been accustomed to pay so much respect to the opinion of my fellow-citizens that the knowledge of their having given their unanimous suffrages in my favor scarcely leaves me the alternative for an option. I can not, I believe, give a greater evidence of my sensi-

bility of the honor which they have done me than by accepting the appointment.

I am so much affected by this fresh proof of my country's esteem and confidence that silence can best explain my gratitude. While I realize the arduous



It is in my opinion entirely necessary that the Common Council should be convened this day in order to pass an act for appropriating the City Hall to the use of Congress. The act should be published in the papers & notified by yourself, or if you are not well enough by a committee a member from your board to the Senators & Representatives as they arrive --- The Philadelphians are endeavouring to raise some cavils on this point - The thing must not pass to day. For propriety absolutely requires that the Members should be offered a place by tomorrow which is the day for assembling

Tuesday

Wm A Hamilton

FACSIMILE OF A LETTER FROM HAMILTON TO RICHARD VARICK, CONCERNING TENDER OF FEDERAL HALL TO CONGRESS

(From the original in the collection of Hon. John D. Crimmins)

nature of the task which is imposed upon me, and feel my own inability to perform it, I wish, however, that there may not be reason for regretting the choice, for, indeed, all I can promise is only to accomplish that which can be done by an honest zeal.

Upon considering how long time some of the gentlemen of both Houses of Congress have been at New

York, how anxiously desirous they must be to proceed to business, and how deeply the public mind appears to be impressed with the necessity of doing it speedily, I can not find myself at liberty to delay my journey. I shall therefore be in readiness to set out the day after to-morrow, and shall be happy in the pleasure of your company, for your will permit me to say that it is a peculiar gratification to have received the communication from you.

WASHINGTON'S ACCEPTANCE

MOUNT VERNON, *April 14, 1789.*

To the Honorable JOHN LANGDON,

President pro tempore of the Senate of the United States.

SIR: I had the honor to receive your official communication, by the hand of Mr. Secretary Thomson, about 1 o'clock this day. Having concluded to obey the important and flattering call of my country, and having been impressed with an idea of the expediency of my being with Congress at as early a period as possible, I propose to commence my journey on Thursday morning, which will be the day after to-morrow.

I have the honor to be, with sentiments of esteem, sir, you most obedient servant,

GO WASHINGTON.

Selection of the Presidential Mansion

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES

Wednesday April 15, 1789.

Mr. Benson reported from the committee to whom it was referred to consider of and report to the House respecting the ceremonial of receiving the President, and to whom was also referred a letter from the chair-

man of a committee of the Senate to the Speaker, communicating an instruction from that House to a committee thereof to report if any and what arrangements are necessary for the reception of the Vice-President, that the committee had, according to order, considered



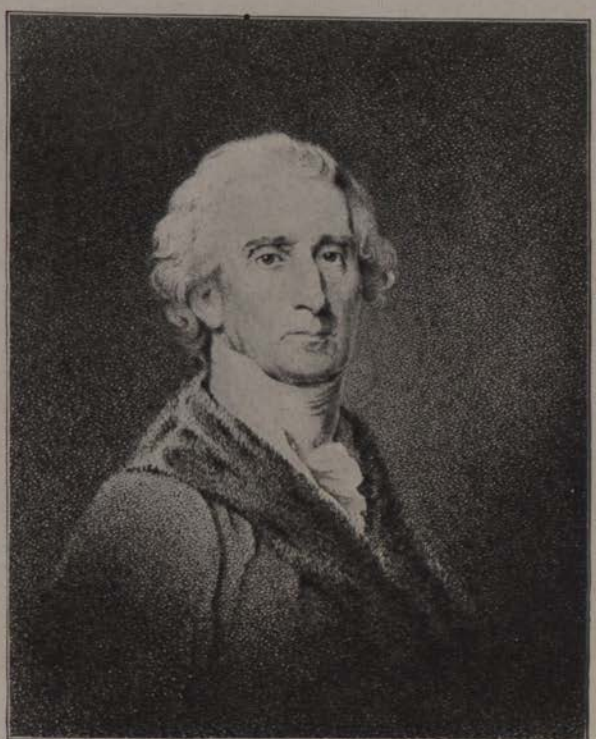
FEDERAL HALL, ERECTED ON WALL STREET IN 1789 FOR THE USE OF CONGRESS

of the same, and had agreed to a report thereupon, which he delivered in at the Clerk's table, and where the same was thrice read, and the question put thereupon agreed to by the House as followeth:

That Mr. Osgood, the proprietor of the house lately occupied by the President of Congress, be requested to put the same and the furniture therein in proper order

for the residence and use of the President of the United States, and otherwise, at the expense of the United States, to provide for his temporary accommodation.

That it will be most eligible, in the first instance, that a committee of three members from the Senate and



CHARLES CARROLL, OF CARROLLTON

(Member of the committee appointed to escort Washington to New York. From an engraving by J. B. Longacre after a painting by Field)

five members from the House of Representatives, to be appointed by the Houses respectively, attend to receive the President at such place as he shall embark from New Jersey for this city, and conduct him without form to the house lately occupied by the President

of Congress, and that at such time thereafter as the President shall signify it will be most convenient for him, he be formally received by both Houses.

Committee to Escort the President

The committee appointed in consequence of the resolutions of both Houses of Congress, and which accompany this note, most respectfully communicate their appointment to the President of the United States, with a request that he will please to have it signified to them when they shall attend, with a barge which has been prepared for that purpose, to receive him at Elizabeth Town, or at such other place as he shall choose to embark from New Jersey for this city.

NEW YORK, *April 17, 1789.*

JOHN LANGDON.
CHARLES CARROLL, of Carrollton.
WM. SAMUEL JOHNSON.
ELIAS BOUDINOT.
THEODORICK BLAND.
THOS. TUDR. TUCKER.
EGBT. BENSON.
JOHN LAWRANCE.

Philadelphia, *April 20, 1789.*

Gentlemen: Upon my arrival in this city I received your note, with the resolutions of the two Houses which accompanied it, and in answer thereto beg leave to inform you that, knowing how anxious both Houses must be to proceed to business, I shall continue my journey dispatch as possible. To-morrow evening I purpose to be at Trenton, the night following at Brunswick, and hope to have the pleasure of meeting you at Elizabeth Town point on Thursday at 12 o'clock.

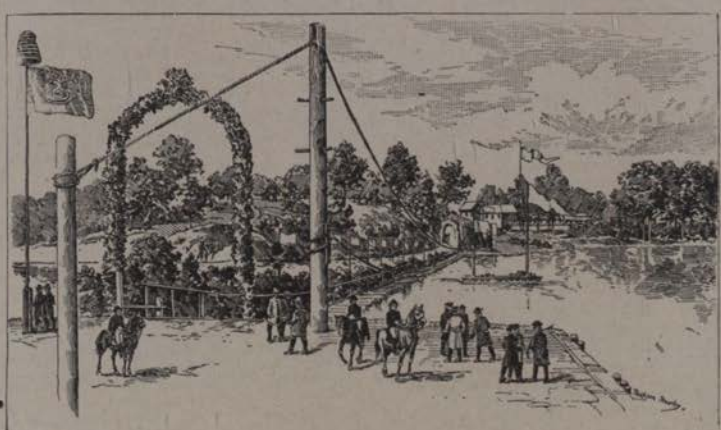
Go WASHINGTON.

Fixing the Time and Place of Inauguration

United States of America,
In Senate, April 25, 1789.

The committee appointed to consider of the time, place, and manner in which and of the person by whom the oath prescribed by the Constitution shall be administered to the President of the United States, and to confer with a committee of the House appointed for that purpose, report:

That the President hath been pleased to signify to them that any time or place which both Houses may think proper to appoint and any manner which shall



AN EAST VIEW OF GRAY'S FERRY, NEAR PHILADELPHIA, WITH TRIUMPHAL ARCHES, ERECTED FOR THE RECEPTION OF WASHINGTON, APRIL 20, 1789

(From an old print, reproduced in the *Columbian Magazine*, May, 1789)

appear most eligible to them will be convenient and acceptable to him; that requisite preparations can not probably be made before Thursday next; that the President be on that day formally received in the Senate Chamber by both Houses; that the Representatives' Chamber being capable of receiving the greater number

of persons, that therefore the President do take the oath in that place in presence of both Houses; that after the formal reception of the President in the Senate Chamber he be attended by both Houses to the Representatives' Chamber, and that the oath be administered by the chancellor of this State.

The committee further report it as their opinion that it will be proper that a committee of both Houses be appointed to take order for conducting the ceremonial.

Read and accepted.

And Mr. Lee, Mr. Izard, and Mr. Dalton, on the part of the Senate, together with the committee that may be appointed on the part of the House, are empowered to take order for conducting the business.

IN SENATE, *April 27, 1789.*

The committees appointed to take order for conducting the ceremonial of the formal reception, etc., of the President report that it appears to them more eligible that the oath should be administered to the President in the outer gallery adjoining the Senate Chamber than in the Representatives' Chamber, and therefore submit to the respective Houses the propriety of authorizing their committees to take order as to the place where the oath shall be administered to the President, the resolutions of Saturday assigning the Representatives' Chamber as the place notwithstanding.

ORDER FOR CONDUCTING THE CEREMONIAL

The committees of both Houses of Congress appointed to take order for conducting the ceremonial for the formal reception, etc., of the President of the United States on Thursday next have agreed to the following order thereon, viz:

That General Webb, Colonel Smith, Lieutenant-Colonel Fish, Major Franks, Major L'Enfant, Major

Bleeker, and Mr. John R. Livingston be requested to serve as assistants on the occasion.

That a chair be placed in the Senate Chamber for the President.

That a chair be placed in the Senate Chamber for the Vice-President, to the right of the President's chair,



JOHN R. LIVINGSTON

(One of the assistants for conducting the ceremonial of Washington's reception)

and that the Senators take their seats on that side of the Chamber on which the Vice-President's chair shall be placed. That a chair be placed in the Senate Chamber for the Speaker of the House of Representatives, to

the left of the President's chair, and that the Representatives take their seats on that side of the Chamber on which the Speaker's chair shall be placed.

That seats be provided in the Senate Chamber sufficient to accommodate the late President of Congress, the governor of the Western Territory, the five persons being the heads of the great Departments, the minister plenipotentiary of France, the encargado de negocios



VIEW OF TRIUMPHAL ARCH AT TRENTON, NEW JERSEY, APRIL 21, 1789
(From an old print reproduced in the *Columbian Magazine*, May, 1789)

of Spain, the chaplains of Congress, the persons in the suite of the President, and also to accommodate the following public officers of the State, viz: The governor, lieutenant-governor, the chancellor, the chief justice of the supreme court and other judges thereof, and the mayor of the city.

That one of the assistants wait on these gentlemen and inform them that seats are provided for their accommodation, and also to signify to them that no precedence of seats is intended, and that no salutation is expected from them on their entrance into or their departure from the Senate Chamber.

That the members of both Houses assemble in their respective chambers precisely at 12 o'clock, and that the Representatives, preceded by their Speaker and attended by their Clerk and other officers, proceed to the Senate Chamber, there to be received by the Vice-President and Senators rising.

That the committees attend the President from his residence to the Senate Chamber, and that he be there received by the Vice-President, the Senators and Representatives rising, and by the Vice-President conducted to his chair.

That after the President shall be seated in his chair and the Vice-President, Senators, and Representatives shall be again seated, the Vice-President shall announce to the President that the members of both Houses will attend him to be present at his taking the oath of office required by the Constitution.

To the end that the oath of office may be administered to the President in the most public manner and that the greatest number of the people of the United States, and without distinction, may be witnesses to the solemnity, that therefore the oath be administered in the outer gallery adjoining to the Senate Chamber.

That when the President shall proceed to the gallery to take the oath he be attended by the Vice-President, and be followed by the chancellor of the State, and pass through the middle door; that the Senators pass through the door on the right, and the Representatives pass through the door on the left, and such of the persons who may have been admitted into the Senate Chamber and may be desirous to go into the gallery are then also to pass through the door on the right.

That when the President shall have taken the oath and returned into the Senate Chamber, attended by the Vice-President, and shall be seated in his chair, that Senators and Representatives also return into the Sen-

ate Chamber, and that the Vice-President and they resume their respective seats.

That when the President retire from the Senate Chamber he be conducted by the Vice-President to the door, the members of both Houses rising, and that he be there received by the committees and attended to his residence.

That immediately as the President shall retire the Representatives do also return from the Senate Chamber to their own.

That it be intrusted to the assistants to take proper precautions for keeping the avenues to the hall open, and for that purpose they wait on his excellency the governor of this State, and in the name of the committees request his aid by an order or recommendation to the civil officers or militia of the city to attend and serve on the occasion as he shall judge most proper.

The First National Thanksgiving Proclamation, 1789

On October 3, 1789, Washington, in response to a resolution of a joint committee of the Congress, designated the fourth Thursday in November following as a day of general thanksgiving and prayer, and that day has been observed regularly since by Presidential and Gubernatorial proclamations. Text in Sparks's "Washington," Boston, 1855, Vol. XII., pp. 119–120. (See page 114.)

Whereas it is the duty of all nations to acknowledge the providence of Almighty God, to obey His will, to be grateful for His benefits, and humbly to implore His protection and favor; and

Whereas both Houses of Congress have, by their joint committee, requested me "to recommend to the people of the United States a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favors of Almighty God, especially by affording them an opportunity peaceably to establish a form of government for their safety and happiness":

Now, therefore, I do recommend and assign Thursday, the 26th day of November next, to be devoted by the people of these States to the service of that great and glorious Being who is the beneficent author of all the good that was, that is, or that will be; that we may then all unite in rendering unto Him our sincere and humble thanks for His kind care and protection of the

people of this country previous to their becoming a nation; for the signal and manifold mercies and the favorable interpositions of His providence in the course and conclusion of the late war; for the great degree of tranquillity, union, and plenty which we have since enjoyed; for the peaceable and rational manner in which we have been enabled to establish constitutions of government for our safety and happiness, and particularly the national one now lately instituted; for the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing useful knowledge; and, in general, for all the great and various favors which He has been pleased to confer upon us.

And also that we may then unite in most humbly offering our prayers and supplications to the great Lord and Ruler of Nations, and beseech Him to pardon our national and other transgressions; to enable us all, whether in public or private stations, to perform our several and relative duties properly and punctually; to render our National Government a blessing to all the people by constantly being a Government of wise, just, and constitutional laws, discreetly and faithfully executed and obeyed; to protect and guide all sovereigns and nations (especially such as have shown kindness to us), and to bless them with good governments, peace, and concord; to promote the knowledge and practice of true religion and virtue, and the increase of science among them and us; and, generally, to grant unto all mankind such a degree of temporal prosperity as He alone knows to be best.

Washington's First Inaugural Address, 1789

This address was delivered before both Houses of the Congress convened in Federal Hall, New York, on April 30, 1789. From the text in "The Writings of George Washington," edited by W. C. Ford, New York, 1891, Vol. XI., pp. 381–386. (See page 100.)

Fellow-citizens of the Senate and of the House of Representatives: Among the vicissitudes incident to life, no event could have filled me with greater anxieties, than that of which the notification was transmitted by your order, and received on the 14th day of the present month. On the one hand, I was summoned by my country, whose voice I can never hear but with veneration and love, from a retreat which I had chosen with the fondest predilection, and, in my flattering hopes, with an immutable decision, as the asylum of my declining years; a retreat which was rendered every day more necessary as well as more dear to me, by the addition of habit to inclination, and of frequent interruptions in my health to the gradual waste committed on it by time. On the other hand, the magnitude and difficulty of the trust, to which the voice of my country called me, being sufficient to awaken in the wisest and most experienced of her citizens a distrustful scrutiny into his qualifications, could not but overwhelm with despondence one who, inheriting inferior endowments from nature, and unpractised in the duties of civil administration, ought to be peculiarly conscious of his own deficiencies. In

this conflict of emotions, all I dare aver is, that it has been my faithful study to collect my duty from a just appreciation of every circumstance by which it might be affected. All I dare hope is, that, if in executing this task, I have been too much swayed by a grateful remembrance of former instances, or by an affectionate



THE OLD MCCOMB MANSION
(The second Presidential dwelling in New York)

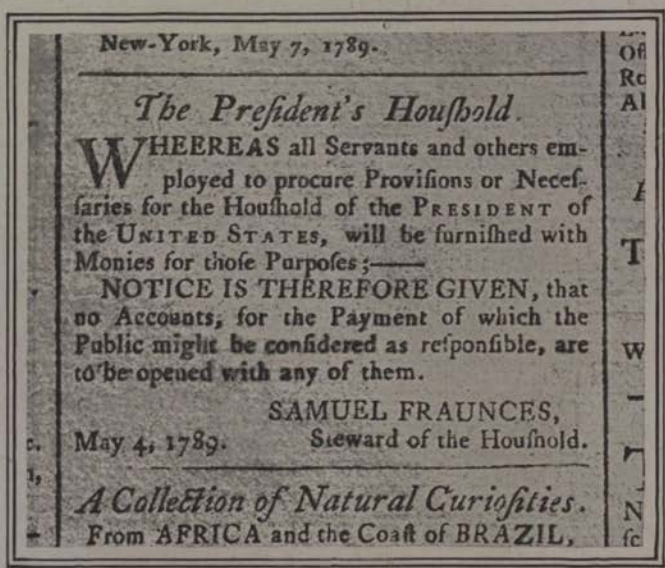
sensibility to this transcendent proof of the confidence of my fellow-citizens; and have thence too little consulted my incapacity as well as disinclination for the weighty and untried cares before me; my error will be palliated by the motives which misled me, and its consequences be judged by my country with some share of the partiality in which they originated.

Such being the impressions under which I have, in

obedience to the public summons, repaired to the present station, it would be peculiarly improper to omit, in this official act, my frequent supplications to that Almighty Being, who rules over the universe, who presides in the councils of nations, and whose providential aids can supply every human defect, that his benediction may consecrate to the liberties and happiness of the people of the United States a government instituted by themselves for these essential purposes, and may enable every instrument employed in its administration to execute with success the functions allotted to his charge. In tendering this homage to the great Author of every public and private good, I assure myself that it expresses your sentiments not less than my own; nor those of my fellow-citizens at large, less than either. No people can be bound to acknowledge and adore the invisible hand, which conducts the affairs of men, more than the people of the United States. Every step, by which they have advanced to the character of an independent nation, seems to have been distinguished by some token of providential agency. And, in the important revolution just accomplished in the system of their united government, the tranquil deliberations and voluntary consent of so many distinct communities, from which the event has resulted, cannot be compared with the means by which most governments have been established, without some return of pious gratitude along with an humble anticipation of the future blessings which the past seems to presage. These reflections, arising out of the present crisis, have forced themselves too strongly on my mind to be suppressed. You will join with me, I trust, in thinking that there are none, under the influence of which the proceedings of a new and free government can more auspiciously commence.

By the article establishing the executive department, it is made the duty of the President "to recommend to your consideration such measures as he shall judge

necessary and expedient." The circumstances, under which I now meet you, will acquit me from entering into that subject further than to refer you to the great constitutional charter under which we are assembled; and which, in defining your powers, designates the ob-



New-York, May 7, 1789.

The Preſident's Houſhold.

WHEEREAS all Servants and others employed to procure Proviſions or Neceſſaries for the Houſhold of the PRESIDENT of the UNITED STATES, will be furniſhed with Monies for thoſe Purpoſes;——

NOTICE IS THEREFORE GIVEN, that no Accounts, for the Payment of which the Public might be conſidered as reſponſible, are to be opened with any of them.

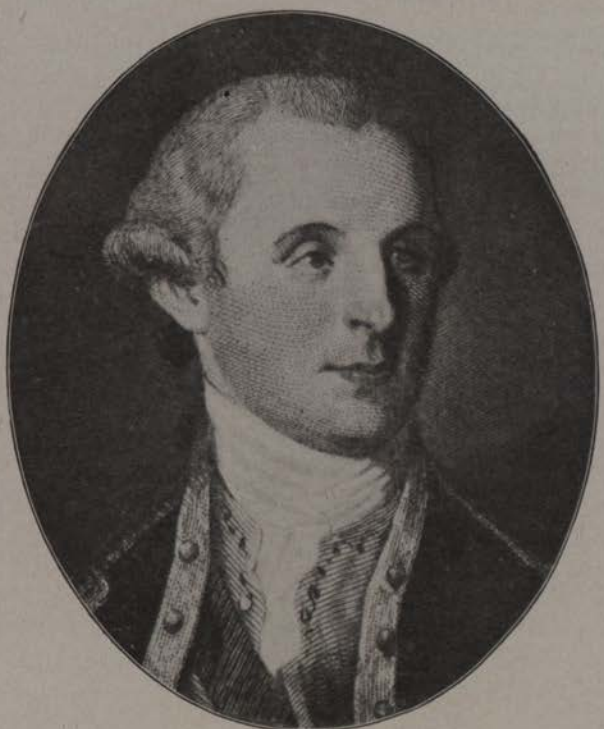
SAMUEL FRAUNCES,
May 4, 1789. Steward of the Houſhold.

A Collection of Natural Curioſities.
From AFRICA and the Coaſt of BRAZIL,

A WARNING BY WASHINGTON'S STEWARD
(From the files of the New York Historical Society)

jects to which your attention is to be given. It will be more consistent with those circumstances, and far more congenial with the feelings which actuate me, to substitute, in place of a recommendation of particular measures, the tribute that is due to the talents, the rectitude, and the patriotism, which adorn the characters selected to devise and adopt them. In these honourable qualifications I behold the surest pledges, that as, on one side, no local prejudices or attachments, no separate views or party animosities, will misdirect the comprehensive and equal eye, which ought to watch over this great

assemblage of communities and interests; so, on another, that the foundations of our national policy will be laid in the pure and immutable principles of private morality,



GEORGE WASHINGTON, AGE 25

(From an engraving by De Mare after a miniature on ivory said to be by Copley)

and the pre-eminence of a free government be exemplified by all the attributes, which can win the affections of its citizens, and command the respect of the world.

I dwell on this prospect with every satisfaction which an ardent love for my country can inspire; since there is no truth more thoroughly established than that there exists in the economy and course of nature an indissoluble

union between virtue and happiness, between duty and advantage, between the genuine maxims of an honest and magnanimous policy, and the solid rewards of public prosperity and felicity; since we ought to be no less persuaded that the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right, which Heaven itself has ordained; and since the preservation of the sacred fire of liberty, and the destiny of the republican model of government, are justly considered as *deeply*, perhaps as *finally* staked on the experiment intrusted to the hands of the American people.

Besides the ordinary objects submitted to your care, it will remain with your judgment to decide how far an exercise of the occasional power delegated by the fifth article of the Constitution is rendered expedient at the present juncture by the nature of objections which have been urged against the system, or by the degree of inquietude which has given birth to them. Instead of undertaking particular recommendations on this subject, in which I could be guided by no lights derived from official opportunities, I shall again give way to my entire confidence in your discernment and pursuit of the public good; for I assure myself that, whilst you carefully avoid every alteration which might endanger the benefits of a united and effective government, or which ought to await the future lessons of experience; a reverence for the characteristic rights of freemen, and a regard for the public harmony, will sufficiently influence your deliberations on the question, how far the former can be more impregnably fortified, or the latter be safely and advantageously promoted.

To the foregoing observations I have one to add, which will be most properly addressed to the House of Representatives. It concerns myself, and will therefore be as brief as possible. When I was first honored with a call into the service of my country, then on the

eve of an arduous struggle for its liberties, the light in which I contemplated my duty required that I should renounce every pecuniary compensation. From this resolution I have in no instance departed. And being still under the impressions which produced it, I must decline as inapplicable to myself any share in the personal emoluments, which may be indispensably included in a permanent provision for the executive department; and must accordingly pray that the pecuniary estimates for the station in which I am placed may, during my continuance in it, be limited to such actual expenditures as the public good may be thought to require.

Having thus imparted to you my sentiments, as they have been awakened by the occasion which brings us together, I shall take my present leave; but not without resorting once more to the benign Parent of the human race, in the humble supplication, that, since he has been pleased to favour the American people with opportunities for deliberating in perfect tranquillity, and dispositions for deciding with unparalleled unanimity on a form of government for the security of their union and the advancement of their happiness; so his divine blessing may be equally *conspicuous* in the enlarged views, the temperate consultations, and the wise measures on which the success of this government must depend.

First Anti-Slavery Petitions to Congress, 1790

In 1789 Quakers of New York and Philadelphia, assembled in their annual meetings, drew up petitions asking the Congress to take steps toward abolishing the trade in slaves, and, as an effective measure, to prohibit vessels employed in that trade from being entered and cleared at the various ports. The petitions were submitted to the House of Representatives on February 11, 1790, and on the following day another petition, from the Pennsylvania Society for Promoting the Abolition of Slavery, was received. The several petitions were referred to a special committee and later to the Committee of the Whole House, whose reports follow. From text in "House Journal," Second Session, First Congress. (See page 114.)

I

The (special) committee to whom were referred sundry memorials from the People called Quakers; and also a memorial from the Pennsylvania Society for Promoting the Abolition of Slavery, submit the following report:

That, from the nature of the matters contained in those memorials, they were induced to examine the powers vested in Congress, under the present Constitution, relating to the abolition of slavery, and are clearly of opinion,

First. That the General Government is expressly restrained from prohibiting the importation of such per-

sons "as any of the States now existing shall think proper to admit, until the year one thousand eight hundred and eight."

Secondly. That Congress, by a fair construction of the Constitution, are equally restrained from interfering in the emancipation of slaves, who already are, or who may, within the period mentioned be, imported into, or born within any of the said States.

Thirdly. That Congress have no authority to interfere in the internal regulations of particular States, relative to the instruction of slaves in the principles of morality and religion; to their comfortable clothing, accommodations, and subsistence; to the regulation of their marriages, and the prevention of the violation of the rights thereof, or to the separation of children from their parents; to a comfortable provision in cases of sickness, age, or infirmity; or to the seizure, transportation, or sale, of free negroes; but have the fullest confidence in the wisdom and humanity of the Legislatures of the several States, that they will revise their laws from time to time, when necessary, and promote the objects mentioned in the memorials, and every other measure that may tend to the happiness of slaves.

Fourthly. That, nevertheless, Congress have authority, if they shall think it necessary, to lay at any time a tax or duty, not exceeding ten dollars for each person of any description, the importation of whom shall be by any of the States admitted as aforesaid.

Fifthly. That Congress have authority to interdict, or (so far as it is or may be carried on by citizens of the United States, for supplying foreigners) to regulate the African trade, and to make provision for the humane treatment of Slaves, in all cases while on their passage to the United States, or to foreign ports, as far as it respects the citizens of the United States.

Sixthly. That Congress have also authority to prohibit foreigners from fitting out vessels, in any port of

the United States, for transporting persons from Africa to any foreign port.

Seventhly. That the memorialists be informed, that in all cases to which the authority of Congress extends, they will exercise it for the humane objects of the memorialists, so far as they can be promoted on the principles of justice, humanity, and good policy.

II

THE Committee of the Whole House, to whom was committed the report of the committee on the memorials of the People called Quakers, and of the Pennsylvania Society for Promoting the Abolition of Slavery, report the following amendments:

Strike out the first clause, together with the recital thereto, and in lieu thereof insert, "That the migration or importation of such persons as any of the States now existing shall think proper to admit, cannot be prohibited by Congress, prior to the year one thousand eight hundred and eight."

Strike out the second and third clauses, and in lieu thereof insert, "That Congress have no authority to interfere in the emancipation of slaves, or in the treatment of them within any of the States; it remaining with the several States alone to provide any regulations therein, which humanity and true policy may require."

Strike out the fourth and fifth clauses, and in lieu thereof insert, "That Congress have authority to restrain the citizens of the United States from carrying on the African trade, for the purpose of supplying foreigners with slaves, and of providing by proper regulations for the humane treatment, during their passage, of slaves imported by the said citizens into the States admitting such importation."

Strike out the seventh clause.

Ordered, that the said report of the Committee of the Whole House do lie on the table.

President Washington's First Annual Message, 1790

Washington's first annual message, though brief, has been considered one of his most important official papers, as in it he outlined a large measure of constructive legislation which he deemed necessary for the firm establishment of the young Government. The responses to the message of the two Houses of Congress gave emphasis to his views, and also indicated fields for promoting the public welfare more properly within their immediate province. Text in "Annals of Congress" (1834 ed.), Vol. I., pp. 932–936; 1052–1053. (See page 101.)

The President's Message

United States, *January 8, 1790.*

Fellow-Citizens of the Senate and House of Representatives:

I embrace with great satisfaction the opportunity which now presents itself of congratulating you on the present favorable prospects of our public affairs. The recent accession of the important State of North Carolina to the Constitution of the United States (of which official information has been received), the rising credit and respectability of our country, the general and increasing good will toward the Government of the Union, and the concord, peace, and plenty with which we are blessed are circumstances auspicious in an eminent degree to our national prosperity.

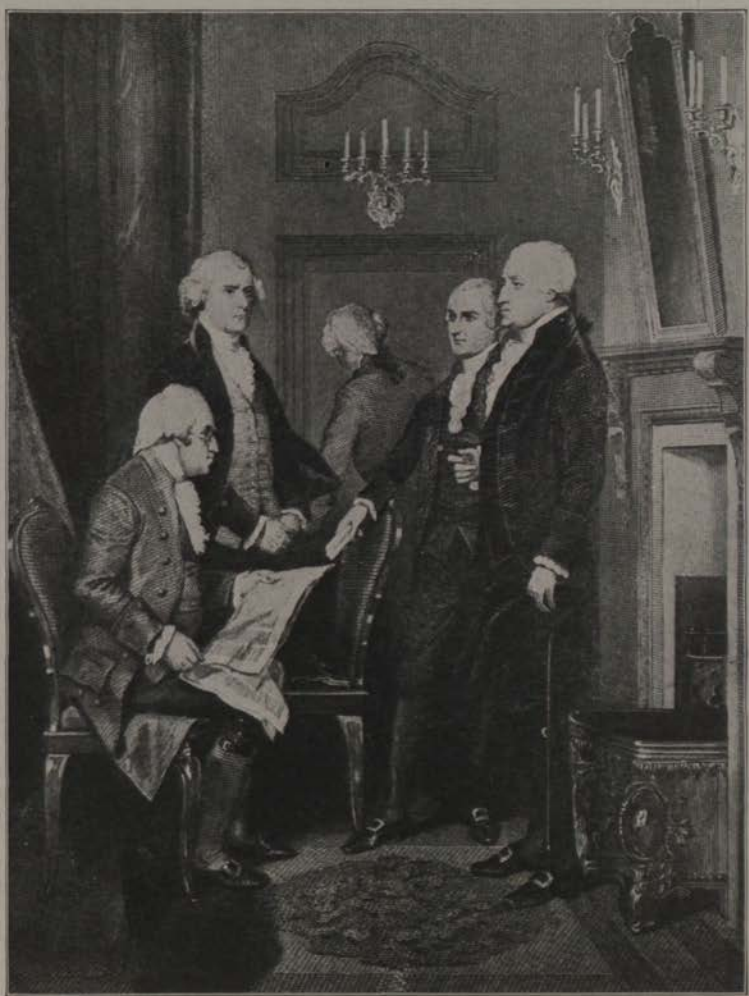
In resuming your consultations for the general good you can not but derive encouragement from the reflection that the measures of the last session have been as satisfactory to your constituents as the novelty and difficulty of the work allowed you to hope. Still further to realize their expectations and to secure the blessings which a gracious Providence has placed within our reach will in the course of the present important session call for the cool and deliberate exertion of your patriotism, firmness, and wisdom.

Among the many interesting objects which will engage your attention that of providing for the common defense will merit particular regard. To be prepared for war is one of the most effectual means of preserving peace.

A free people ought not only to be armed, but disciplined; to which end a uniform and well-digested plan is requisite; and their safety and interest require that they should promote such manufactories as tend to render them independent of others for essential, particularly military, supplies.

The proper establishment of the troops which may be deemed indispensable will be entitled to mature consideration. In the arrangements which may be made respecting it it will be of importance to conciliate the comfortable support of the officers and soldiers with a due regard to economy.

There was reason to hope that the pacific measures adopted with regard to certain hostile tribes of Indians would have relieved the inhabitants of our Southern and Western frontiers from their depredations, but you will perceive from the information contained in the papers which I shall direct to be laid before you (comprehending a communication from the Commonwealth of Virginia) that we ought to be prepared to afford protection to those parts of the Union, and, if necessary, to punish aggressors.



THE FIRST CABINET

(Knox, Jefferson, Randolph, Washington)

The interests of the United States require that our intercourse with other nations should be facilitated by such provisions as will enable me to fulfil my duty in that respect in the manner which circumstances may render most conducive to the public good, and to this end that the compensations to be made to the persons who may be employed should, according to the nature of their appointments, be defined by law, and a competent fund designated for defraying the expenses incident to the conduct of our foreign affairs.

Various considerations also render it expedient that the terms on which foreigners may be admitted to the rights of citizens should be speedily ascertained by a uniform rule of naturalization.

Uniformity in the currency, weights, and measures of the United States is an object of great importance, and will, I am persuaded, be duly attended to.

The advancement of agriculture, commerce, and manufactures by all proper means will not, I trust, need recommendation; but I can not forbear intimating to you the expediency of giving effectual encouragement as well to the introduction of new and useful inventions from abroad as to the exertions of skill and genius in producing them at home, and of facilitating the intercourse between the distant parts of our country by a due attention to the post-office and post-roads.

Nor am I less persuaded that you will agree with me in opinion that there is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is in every country the surest basis of public happiness. In one in which the measures of government receive their impressions so immediately from the sense of the community as in ours it is proportionably essential. To the security of a free constitution it contributes in various ways—by convincing those who are intrusted with the public administration that every valuable end of the government is best answered

by the enlightened confidence of the people, and by teaching the people themselves to know and to value their own rights; to discern and provide against invasions of them; to distinguish between oppression and the necessary exercise of lawful authority; between burthens proceeding from a disregard to their con-



THE MORRIS HOUSE, PHILADELPHIA

(The residence of Washington during the time the Government was located at Philadelphia)

venience, and those resulting from the inevitable exigencies of society; to discriminate the spirit of liberty from that of licentiousness—cherishing the first, avoiding the last—and uniting a speedy but temperate vigilance against encroachments, with an inviolable respect to the laws.

Whether this desirable object will be best promoted by affording aids to seminaries of learning already established, by the institution of a national university, or by any other expedients will be well worthy of a place in the deliberations of the Legislature.

Gentlemen of the House of Representatives:

I saw with peculiar pleasure at the close of the last session the resolution entered into by you expressive of your opinion that an adequate provision for the support of the public credit is a matter of high importance to the national honor and prosperity. In this sentiment I entirely concur; and to a perfect confidence in your best endeavors to devise such a provision as will be truly consistent with the end I add an equal reliance on the cheerful cooperation of the other branch of the Legislature. It would be superfluous to specify inducements to a measure in which the character and permanent interests of the United States are so obviously and so deeply concerned, and which has received so explicit a sanction from your declaration.

Gentlemen of the Senate and House of Representatives:

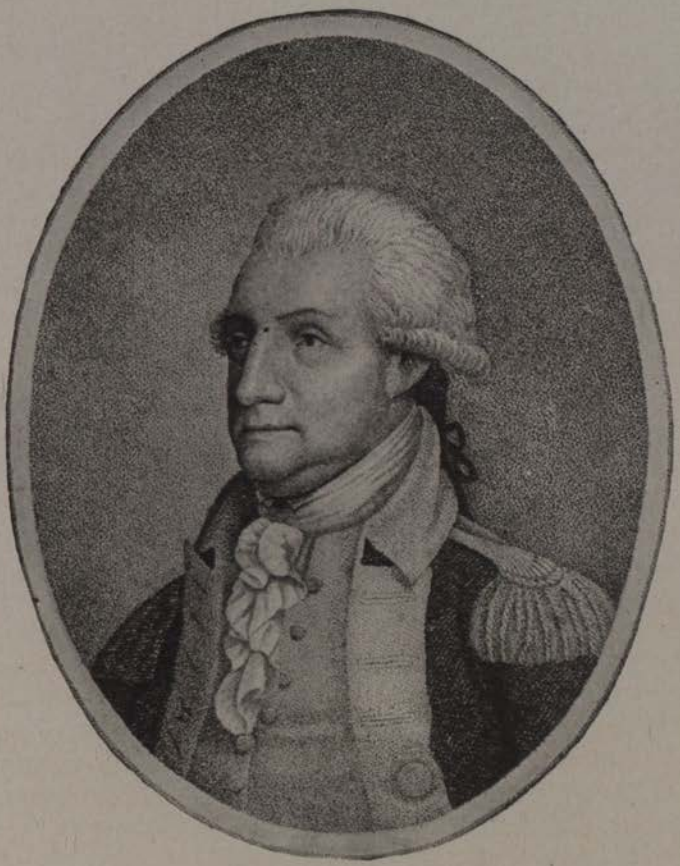
I have directed the proper officers to lay before you, respectively, such papers and estimates as regard the affairs particularly recommended to your consideration, and necessary to convey to you that information of the state of the Union which it is my duty to afford.

The welfare of our country is the great object to which our cares and efforts ought to be directed, and I shall derive great satisfaction from a cooperation with you in the pleasing though arduous task of insuring to our fellow-citizens the blessings which they have a right to expect from a free, efficient, and equal government.

Response of the Senate

The President of the United States.

Sir: We, the Senate of the United States, return you our thanks for your speech delivered to both Houses of Congress. The accession of the State of North Carolina to the Constitution of the United States gives us much



PORTRAIT OF WASHINGTON BY EDWARD SAVAGE

pleasure, and we offer you our congratulations on that event, which at the same time adds strength to our Union and affords a proof that the more the Constitution has been considered the more the goodness of it has appeared. The information which we have received, that the measures of the last session have been as satisfactory to our constituents as we had reason to expect from the difficulty of the work in which we were engaged, will afford us much consolation and encouragement in resuming our deliberations in the present session for the public good, and every exertion on our part shall be made to realize and secure to our country those blessings which a gracious Providence has placed within her reach. We are persuaded that one of the most effectual means of preserving peace is to be prepared for war, and our attention shall be directed to the objects of common defense and to the adoption of such plans as shall appear the most likely to prevent our dependence on other countries for essential supplies. In the arrangements to be made respecting the establishment of such troops as may be deemed indispensable we shall with pleasure provide for the comfortable support of the officers and soldiers, with a due regard to economy. We regret that the pacific measures adopted by Government with regard to certain hostile tribes of Indians have not been attended with the beneficial effects toward the inhabitants of our Southern and Western frontiers which we had reason to hope; and we shall cheerfully cooperate in providing the most effectual means for their protection, and if necessary, for the punishment of aggressors. The uniformity of the currency and of weights and measures, the introduction of new and useful inventions from abroad and the exertions of skill and genius in producing them at home, the facilitating the communication between distant parts of our country by means of the post-office and post-roads, a provision for the support of the Department of For-

eign Affairs, and a uniform rule of naturalization, by which foreigners may be admitted to the rights of citizens, are objects which shall receive such early attention as their respective importance requires. Literature and science are essential to the preservation of a free constitution; the measures of Government should therefore be calculated to strengthen the confidence that is due to that important truth. Agriculture, commerce, and manufactures, forming the basis of the wealth and strength of our confederated Republic, must be the frequent subject of our deliberation, and shall be advanced by all proper means in our power. Public credit being an object of great importance, we shall cheerfully cooperate in all proper measures for its support. Proper attention shall be given to such papers and estimates as you may be pleased to lay before us. Our cares and efforts shall be directed to the welfare of our country, and we have the most perfect dependence upon your cooperating with us on all occasions in such measures as will insure to our fellow-citizens the blessings which they have a right to expect from a free, efficient, and equal government.



WASHINGTON'S PRIVATE SEAL, 1783

Response of the House of Representatives

Sir: The Representatives of the people of the United States have taken into consideration your speech to both Houses of Congress at the opening of the present session.

We reciprocate your congratulations on the accession of the State of North Carolina, an event which, while it is a testimony of the increasing good will toward the Government of the Union, can not fail to give additional dignity and strength to the American Republic, already rising in the estimation of the world in national character and respectability.

The information that our measures of the last session have not proved dissatisfactory to our constituents affords us much encouragement at this juncture, when we are resuming the arduous task of legislating for so extensive an empire.



WASHINGTON'S SEAL
(From letter to Bouquet)

Nothing can be more gratifying to the Representatives of a free people than the reflection that their labors are rewarded by the approbation of their fellow-citizens. Under this impression we shall make every exertion to realize their expectations, and to secure to them those blessings which Providence has placed within their reach. Still prompted by the same desire to promote their interests which then actuated us, we shall in the present session diligently and anxiously pursue those measures which shall appear to us conducive to that end.

We concur with you in the sentiment that agriculture, commerce, and manufactures are entitled to legislative protection, and that the promotion of science and literature will contribute to the security of a free Government; in the progress of our deliberations we shall not lose sight of objects so worthy of our regard.

The various and weighty matters which you have judged necessary to recommend to our attention appear

to us essential to the tranquillity and welfare of the Union, and claim our early and most serious consideration. We shall proceed without delay to bestow on them that calm discussion which their importance requires.

We regret that the pacific arrangements pursued with regard to certain hostile tribes of Indians have not been attended with that success which we had reason to expect from them. We shall not hesitate to concur in such further measures as may best obviate any ill effects which might be apprehended from the failure of those negotiations.

Your approbation of the vote of this House at the last session respecting the provision for the public creditors is very acceptable to us. The proper mode of carrying that resolution into effect, being a subject in which the future character and happiness of these States are deeply involved, will be among the first to deserve our attention.

The prosperity of the United States is the primary object of all our deliberations, and we cherish the reflection that every measure which we may adopt for its advancement will not only receive your cheerful concurrence, but will at the same time derive from your cooperation additional efficacy, in insuring to our fellow-citizens the blessings of a free, efficient, and equal government.

Hamilton's Report on a National Bank, 1790

As shown before, Hamilton drafted an elaborate report in three parts concerning the financial interests of the young Republic, in answer to a resolution of the House of Representatives. The third part, dealing with the question of a National Bank, under date of December 13, 1790, is given here, from the text in "American State Papers, Finance," Vol. I., pp. 67–76. (See page 111.)

In obedience to the order of the House of Representatives, of the ninth day of August last, requiring the Secretary of the Treasury to prepare and report, on this day, such further provision as may, in his opinion, be necessary for establishing the public credit, the said Secretary further respectfully reports:

That, from a conviction (as suggested in his report herewith presented) that a National Bank is an institution of primary importance to the prosperous administration of the finances, and would be of the greatest utility in the operations connected with the support of the public credit, his attention has been drawn to devising the plan of such an institution, upon a scale which will entitle it to the confidence, and be likely to render it equal to the exigencies of the public. . . .

It is a fact, well understood, that public banks have found admission and patronage among the principal and most enlightened commercial nations. They have successively obtained in Italy, Germany, Holland, England, and France, as well as in the United States. And

it is a circumstance which cannot but have considerable weight, in a candid estimate of their tendency, that, after an experience of centuries, there exists not a question about their utility in the countries in which they have been so long established. Theorists and men of business unite in the acknowledgment of it. . . .

The following are among the principal advantages of a bank:

First. The augmentation of the active or productive capital of a country. Gold and silver, where they are employed merely as the instruments of exchange and alienation, have been not improperly denominated dead stock; but when deposited in banks, to become the basis of a paper circulation, which takes their character and place, as the signs or representatives of value, they then acquire life, or, in other words, an active and productive quality. . . .

Secondly. Greater facility to the Government, in obtaining pecuniary aids, especially in sudden emergencies. . . .

Thirdly. The facilitating of the payment of taxes. . . .

It would be to intrude too much on the patience of the House, to prolong the details of the advantages of banks; especially, as all those which might still be particularized, are readily to be inferred as consequences from those which have been enumerated. Their disadvantages, real or supposed, are now to be reviewed. The most serious of the charges which have been brought against them, are:

That they serve to increase usury;

That they tend to prevent other kinds of lending;

That they furnish temptations to overtrading;

That they afford aid to ignorant adventurers, who disturb the natural and beneficial course of trade;

That they give to bankrupt and fraudulent traders, a fictitious credit, which enables them to maintain false appearances, and to extend their impositions; and, lastly,

In CONGRESS, JULY 30, 1779.

ORDINANCE for eſtabliſhing a BOARD of TREASURY, and the proper Officers for managing the FINANCES of theſe United States.

THE principal officers of the board ſhall conſiſt of three commiſſioners not members of Congreſs and two members of Congreſs, any three of whom to form a board for the diſpatch of buſineſs. The commiſſioners ſhall be annually appointed by Congreſs and continue in office until a new election. No member of Congreſs ſhall continue to ſerve as a member of the ſaid board longer than ſix months by virtue of one appointment, nor ſhall there be more than one member of the ſaid board at any time belonging to the ſame ſtate. The board to have a ſeal of office, a ſecretary, a clerk and meſſenger: the ſecretary to be annually appointed by Congreſs, the clerk and meſſenger by the board.

That there be the following offices: The auditor general's, the treaſurer's, two chambers of accounts, and ſix auditors for ſettling claims and accounts ariſing in the army.

That in the auditor's office there be an auditor general, and aſſiſtant annually appointed by Congreſs, and two clerks appointed by the auditor general.

That in the treaſurer's office there be one treaſurer annually appointed by Congreſs, and one clerk appointed by the treaſurer.

That each chamber of accounts ſhall conſiſt of three commiſſioners and two clerks.

That the board of treaſury be authoriſed to diſcharge the auditors of the army or any of them whenever they ſhall find it expedient.

That the commiſſioners and clerks of the chamber of accounts, and auditors for the army, be annually elected by Congreſs; and that the auditor general, treaſurer, and auditors for the army, be reſpectively accountable for the conduct of their clerks.

That apartments be provided for the accommodation of the ſeveral offices of the treaſury, in the city or place where Congreſs ſhall hold their ſeſſions.

That the duties of the ſeveral offices be as follows:

The commiſſioners or board of treaſury to have the general ſuperintendance of the finances of the United States, and of all officers entruſted with the receipt and expenditure or application of the public money, bills of exchange or loan office certificates: to inſpect the treaſury: to lay before Congreſs eſtimates of the public expences, and neceſſary ſupplies; and to call on public officers for information: to carry into effect all acts and reſolutions of Congreſs for emitting bills of credit and of exchange, loan-office certificates or other ſecurities, and eſtabliſhing lotteries: to depoſit in the proper offices, ſuch bills, certificates and ſecurities, when emitted; and all monies ariſing from loans, taxes and lotteries: to ſee that the public accounts are regularly ſtated in the auditor's office, and all public debtors brought to account, frauds detected, and defaulters puniſhed: to ſue and proſecute for all debts, wrongs and injuries touching the finances or property veſted in Congreſs: to inſtruct in their duty all officers concerned in the finances or accounts, and to ſuſpend any of them for negligence or miſdemeanor till the pleaſure of Congreſs can be known: to regiſter and preſerve all contracts and ſecurities appertaining to the United States: to grant under their ſeal of office a "quietus" to accountants on a final ſettlement: where objections are diſcovered againſt the report of the commiſſioners or auditors, to reſtify their reſpective errors and inſtruct them where they are in doubt: to determine on appeals by an accountant from the deciſion of any of the auditors or commiſſioners on any charge or voucher which they may reſpectively reject: to examine into the merits of all requiſitions for the advance of money for public ſervices, and report thereon to Congreſs: to grant warrants under their ſeal on the treaſurer for balances of accounts and partial payments, and for ſuch advances as Congreſs ſhall direct to be made for the public ſervice; which being entered in the auditor's office, and certified to be paſſed by him, ſhall be paid. And generally to perform all ſuch duties as ſhall be aſſigned them by Congreſs.

The auditor general. All accounts and claims againſt the United States (except ſuch as are proper to be adjuſted in the field by the auditors of the army) ſhall be exhibited to him, and the nature or title and the amount of the claim or account

being registered, the same shall be referred by him to one of the chambers of accounts for settlement; and, being accordingly there adjusted, shall be reported to him: he is then with his assistant to examine the nature of the charges and vouchers, and to reject such as appear to him to be improper, allowing an appeal from his determination to the board of treasury, when consented by the accountant. After examination, and previous to their being entered in the books of the treasury, he is to present the accounts to the board of treasury for their final determination; he shall direct the method, not only of stating the public books of accounts of the treasury (which are to exhibit a comprehensive view of the finances and expenditures of the United States) but of all other books of accounts of public officers connected with the treasury, and the manner of their respective returns and reports: and thro' him all orders and instructions to the chambers of accounts and auditors of the army are to be communicated. All warrants on the treasury or loan-officers for issuing public money, are to be entered in the auditor's office, and certified to be ga[illegible]ed by him before they shall be paid, and he is forthwith to charge the amount of such warrants to the department or person who is accountable. In case of his absence by sickness or with leave of the treasury board, all the duties hereby assigned to him shall be executed by the assistant auditor general, who shall also be the principal accountant in keeping and stating the public books at the treasury.

The treasurer is to receive and keep the monies of the United States and issue them on bills drawn by the president of Congress or board of treasury. On receiving money, he shall give a receipt, and on every payment take one to serve as his vouchers: he is to render his accounts quarterly to the auditor general, for examination by one of the chambers of accounts, and being reported to and approved by the auditor, and presented by him to the board of treasury, and no objections appearing to them, a copy shall be transmitted to Congress. All loan-officers shall make monthly returns to him as well as to the board of treasury of the monies in their hands arising from loans, taxes or other means; on which returns he shall charge such officers in his books: when a warrant is drawn on him and he finds it convenient that it should be paid out of the money in any loan-office, he shall indorse on the warrant an order to the loan-officer requiring him to discharge it accordingly; but before it is transmitted he shall produce the indorsements to the auditor general, who shall register and certify it to have been passed by him, and the loan officer is authorized and directed to pay it; and both the auditor general and the treasurer are to credit the loan officer with the sum which he is required to pay by such warrant and order.

The chambers of accounts, on the reference of the auditor general, shall carefully examine claims and accounts against the United States; compare the charges with the allowance by Congress, and the vouchers to support them; reduce such articles as are over-charged, and reject such as are groundless or unjust, as well as the vouchers which shall appear to them incompetent: they shall have power to examine witnesses, being first sworn or affirmed by them, or one of them, and to call for any books or papers in the public offices or in the custody of any public officer: when they reduce or reject a charge, or set aside a voucher, they shall allow the accountant or claimant an appeal to the auditor general if demanded.

The auditors of the army shall respectively reside in the main army or detachment of the army for which they shall be appointed by the board of treasury, and not be absent without leave of the commander in chief, or commanding officer. It shall be his duty to call to account all regimental officers indebted to the public: to receive the pay rolls and abstracts of the army from the paymasters general or his deputies, who shall previously examine and certify the sum due: to settle all other accounts of the army, excepting those in the departments of the quarter master, paymaster, director, cloathier, barrackmaster, or commissaries of provisions, prisoners, or military stores: but when any articles in any of those departments are mixed with charges within the immediate duty of the auditor he shall settle the whole account notwithstanding: he shall also adjust all other accounts which he shall be instructed by the board of treasury to do. He shall present the accounts settled by him and the abstracts with certificates of what is due, to the commander in chief or commander of a detachment, having a military chest, who shall thereupon, unless he has reasons to the contrary, issue warrants on the paymaster or deputy paymaster general in discharge thereof. He shall make report of all his settlements and transactions to the auditor general at such times and in such forms as shall be directed by the auditor general. In all other respects he shall execute his duty as prescribed by act of Congress dated the 6th day of February 1778, and such instructions as he shall from time to time receive from the board of treasury.

Extract from the Minutes,

CHARLES THOMSON, Secretary.

ORDINANCE FOR ESTABLISHING A BOARD OF TREASURY

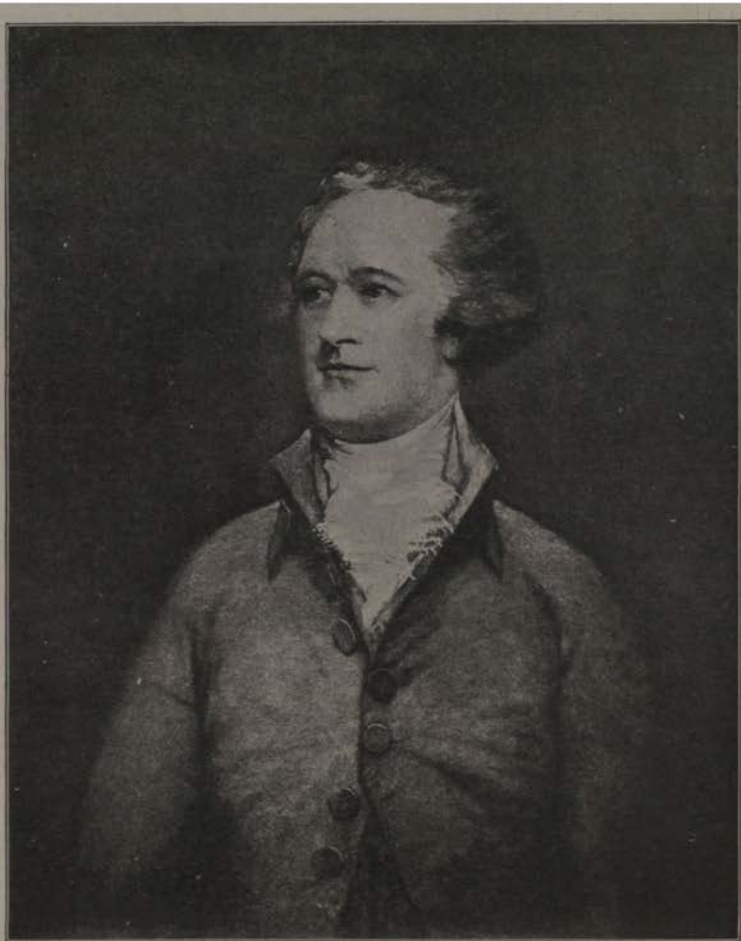
(From an original Broadside in New York Public Library)

That they have a tendency to banish gold and silver from the country.

There is great reason to believe, that, on a close and candid survey, it will be discovered that these charges are either destitute of foundation, or that, as far as the evils they suggest have been found to exist, they have proceeded from other, or partial, or temporary causes, are not inherent in the nature and permanent tendency of such institutions, or are more than counterbalanced by opposite advantages. . . .

These several views of the subject appear sufficient to impress a full conviction of the utility of banks, and to demonstrate that they are of great importance, not only in relation to the administration of the finances, but in the general system of the political economy.

The judgment of many concerning them, has, no doubt, been perplexed by the misinterpretation of appearances which were to be ascribed to other causes. The general devastation of personal property, occasioned by the late war, naturally produced, on the one hand, a great demand for money, and, on the other, a great deficiency of it to answer the demand. Some injudicious laws, which grew out of the public distresses, by impairing confidence, and causing a part of the inadequate sum in the country to be locked up, aggravated the evil. The dissipated habits contracted by many individuals during the war, which, after the peace, plunged them into expenses beyond their incomes; the number of adventurers without capital, and, in many instances, without information, who at that epoch rushed into trade, and were obliged to make any sacrifices to support a transient credit; the employment of considerable sums in speculations upon the public debt, which, from its unsettled state, was incapable of becoming itself a substitute: all these circumstances concurring, necessarily led to usurious borrowing, produced most of the inconveniences, and were the true causes of most of the appearances,



A Hamilton

ALEXANDER HAMILTON

(From the engraving by F. S. King after the painting by Trumbull in the New York Chamber of Commerce)

which, where banks were established, have been by some erroneously placed to their account—a mistake which they might easily have avoided by turning their eyes towards places where there were none, and where, nevertheless, the same evils would have been perceived to exist, even in a greater degree than where those institutions had obtained.

These evils have either ceased, or been greatly mitigated. Their more complete extinction may be looked for from that additional security to property which the constitution of the United States happily gives; (a circumstance of prodigious moment in the scale, both of public and private prosperity) from the attraction of foreign capital, under the auspices of that security, to be employed upon objects, and in enterprises, for which the state of this country opens a wide and inviting field; from the consistency and stability which the public debt is fast acquiring, as well in the public opinion at home and abroad, as, in fact, from the augmentation of capital which that circumstance and the quarter-yearly payment of interest will afford; and from the more copious circulation which will be likely to be created by a well constituted national bank.

The establishment of banks in this country seems to be recommended by reasons of a peculiar nature. Previously to the Revolution, circulation was in a great measure carried on by paper emitted by the several local governments. In Pennsylvania alone, the quantity of it was near a million and a half of dollars. This auxiliary may be said to be now at an end. And it is generally supposed that there has been, for some time past, a deficiency of circulating medium. How far that deficiency is to be considered as real or imaginary, is not susceptible of demonstration; but there are circumstances and appearances, which, in relation to the country at large, countenance the supposition of its reality. . . .

Assuming it, then, as a consequence, from what has been said, that a National Bank is a desirable institution, two inquiries emerge: Is there no such institution, already in being, which has a claim to that character, and which supersedes the propriety or necessity of another? If there be none, what are the principles upon which one ought to be established? . . .

The order of the subject leads next to an inquiry into the principles upon which a national bank ought to be organized.

The situation of the United States naturally inspires a wish that the form of the institution could admit of a plurality of branches. But various considerations discourage from pursuing this idea. The complexity of such a plan would be apt to inspire doubts, which might deter from adventuring in it. And the practicability of a safe and orderly administration, though not to be abandoned as desperate, cannot be made so manifest in perspective, as to promise the removal of those doubts, or to justify the Government in adopting the idea as an original experiment. The most that would seem advisable, on this point, is, to insert a provision which may lead to it hereafter, if experience shall more clearly demonstrate its utility, and satisfy those who may have the direction, that it may be adopted with safety. It is certain that it would have some advantages, both peculiar and important. Besides more general accommodation, it would lessen the danger of a run upon the bank. . . .

Another wish, dictated by the particular situation of the country, is, that the bank could be so constituted as to be made an immediate instrument of loans to the proprietors of land; but this wish also yields to the difficulty of accomplishing it. . . .

Considerations of public advantage suggest a further wish, which is—that the bank could be established upon principles, that would cause the profits of it to redound

TREASURY DEPARTMENT, *Nov.* 30*th*, 1792.

SIR,

I have the honor to transmit herewith a Report, pursuant to two resolutions of the House of Representatives, one of the 21st instant, respecting the Redemption of the Public Debt; the other of the 22d instant, respecting the Reimbursement of the Loan made of the Bank of the United States, pursuant to the eleventh section of the act by which it is incorporated; and to be, with the most perfect respect,

SIR,

Your most obedient,

and most humble servant,

ALEXANDER HAMILTON,
Secretary of the Treasury.

The Honorable the SPEAKER
of the House of Representatives.

FACSIMILE OF SECOND PAGE OF HAMILTON'S REPORT TO CONGRESS

to the immediate benefit of the State. This is contemplated by many who speak of a national bank, but the idea seems liable to insuperable objections. . . .

It will not follow, from what has been said, that the State may not be the holder of a part of the stock of a bank, and consequently a sharer in the profits of it. It will only follow that it ought not to desire any participation in the direction of it, and, therefore, ought not to own the whole or a principal part of the stock: for, if the mass of the property should belong to the public, and if the direction of it should be in private hands, this would be to commit the interests of the State to persons not interested, or not enough interested in their proper management.

There is one thing, however, which the Government owes to itself and to the community—at least, to all that part of it who are not stockholders—which is, to reserve to itself a right of ascertaining, as often as may be necessary, the state of the bank; excluding, however, all pretension to control. This right forms an article in the primitive constitution of the Bank of North America; and its propriety stands upon the clearest reasons. . . .

Abandoning, therefore, ideas which, however agreeable or desirable, are neither practicable nor safe, the following plan, for the constitution of a National Bank, is respectfully submitted to the consideration of the House.

1. The capital stock of the bank shall not exceed ten millions of dollars, divided into twenty-five thousand shares, each share being four hundred dollars; to raise which sum, subscriptions shall be opened on the first Monday of April next, and shall continue open until the whole shall be subscribed. Bodies politic as well as individuals may subscribe.

2. The amount of each share shall be payable, one-fourth in gold and silver coin, and three-fourths in that part of the public debt, which, according to the loan

proposed by the act making provision for the debt of the United States, shall bear an accruing interest, at the time of payment, of six per centum per annum.

3. The respective sums subscribed shall be payable in four equal parts, as well specie as debt, in succession, and at the distance of six calendar months from each other; the first payment to be made at the time of subscription. If there shall be a failure in any subsequent payment, the party failing shall lose the benefit of any dividend which may have accrued prior to the time for making such payment, and during the delay of the same.

4. The subscribers to the bank, and their successors, shall be incorporated, and shall so continue until the final redemption of that part of its stock which shall consist of the public debt.

5. The capacity of the corporation to hold real and personal estate, shall be limited to fifteen millions of dollars, including the amount of its capital, or original stock. The lands and tenements which it shall be permitted to hold, shall be only such as shall be requisite for the immediate accommodation of the institution, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted, in the usual course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

6. The totality of the debts of the company, whether by bond, bill, note, or other contract, (credits for deposites excepted) shall never exceed the amount of its capital stock. In case of excess, the directors, under whose administration it shall happen, shall be liable for it in their private or separate capacities. Those who may have dissented may excuse themselves from this responsibility, by immediately giving notice of the fact, and their dissent, to the President of the United States, and to the stockholders, at a general meeting,

to be called by the President of the bank, at their request.

7. The company may sell or demise its lands and tenements, or may sell the whole, or any part of the public debt, whereof its stock shall consist; but shall *trade* in nothing except bills of exchange, gold and silver bullion, or in the sale of goods pledged for money lent; nor shall take more than at the rate of six per centum per annum, upon its loans or discounts.



ALEXANDER HAMILTON, AGE 32
(From a miniature by James Peale, 1789)

8. No loan shall be made by the bank for the use, or on account, of the Government of the United States, or of either of them, to an amount exceeding fifty thousand dollars, or of any foreign prince or state, unless previously authorized by a law of the United States.

9. The stock of the bank shall be transferable, according to such rules as shall be instituted by the company in that behalf.

10. The affairs of the bank shall be under the management of twenty-five directors, one of whom shall be the President; and there shall be, on the first Monday of January, in each year, a choice of directors, by a plurality of suffrages of the stockholders, to serve for a year. The directors, at their first meeting after each election, shall choose one of their number as President.

11. The number of votes to which each stockholder

shall be entitled, shall be according to the number of shares he shall hold, in the proportions following, that is to say: For one share, and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote; but no person, co-partnership, or body politic, shall be entitled to a greater number than thirty votes. And, after the first election, no share or shares shall confer a right of suffrage, which shall not have been holden three calendar months previous to the day of election. Stockholders actually resident within the United States, and none other, may vote in the elections by proxy.

12. Not more than three-fourths of the directors in office, exclusive of the President, shall be eligible for the next succeeding year. But the director who shall be President at the time of an election, may always be re-elected.

13. None but a stockholder, being a citizen of the United States, shall be eligible as a director.

14. Any number of stockholders, not less than sixty, who, together, shall be proprietors of two hundred shares, or upwards, shall have power, at any time, to call a general meeting of the stockholders, for purposes relative to the institution; giving at least six weeks notice, in two public gazettes, of the place where the bank is kept, and specifying, in such notice, the object of the meeting.

15. In case of the death, resignation, absence from the United States, or removal, of a director, by the stockholders, his place may be filled by a new choice for the remainder of the year.

16. No director shall be entitled to any emolument,



Elizth Hamilton

MRS. ALEXANDER HAMILTON
(Elizabeth Schuyler)

(From an original picture, painted in 1781 by R. Earl and now in possession of Mrs. James A. Hamilton, Dobbs Ferry, New York)

unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the President, for his extraordinary attendance at the bank, as shall appear to them reasonable.

17. Not less than seven directors shall constitute a board for the transaction of business.

18. Every cashier or treasurer, before he enters on the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than twenty thousand dollars, with condition for his good behavior.

19. Half-yearly dividends shall be made of so much of the profits of the bank, as shall appear to the directors advisable. And, once in every three years, the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of the debts which shall have remained unpaid, after the expiration of the original credit, for a period of treble the term of that credit, and of the surplus of profit, if any, after deducting losses and dividends.

20. The bills and notes of the bank, originally made payable, or which shall have become payable, on demand, in gold and silver coin, shall be receivable in all payments to the United States.

21. The officer at the head of the Treasury Department of the United States shall be furnished, from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock of the bank, and of the debts due to the same, of the moneys deposited therein, of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the bank as shall relate to the said statements; provided that this shall not be construed to imply a right of inspecting the account of any private individual or individuals, with the bank.

22. No similar institution shall be established by any future act of the United States, during the continuance of the one hereby proposed to be established.

23. It shall be lawful for the directors of the bank to establish offices wheresoever they shall think fit, within the United States, for the purposes of discount and deposite, only, and upon the same terms, and in the same manner, as shall be practised at the bank, and to commit the management of the said offices, and the making of the said discounts, either to agents specially appointed by them, or to such persons as may be chosen by the stockholders residing at the place where any such office shall be, under such agreements, and subject to such regulations, as they shall deem proper, not being contrary to law, or to the constitution of the bank.

24. And, lastly, the President of the United States shall be authorized to cause a subscription to be made to the stock of the said company, on behalf of the United States, to an amount not exceeding two millions of dollars, to be paid out of the moneys which shall be borrowed by virtue of either of the acts, the one, entitled "An act making provision for the debt of the United States;" and the other, entitled "An act making provision for the reduction of the public debt;" borrowing of the bank an equal sum, to be applied to the purposes for which the said moneys shall have been procured, reimburseable in ten years, by equal annual instalments; or at any time sooner, or in any greater proportions, that the Government may think fit. . . .

The Secretary begs leave to conclude with this general observation: That, if the Bank of North America shall come forward with any propositions which have for their objects the engrafting upon that institution, the characteristics which shall appear to the Legislature necessary to the due extent and safety of a National Bank, there are, in his judgment, weighty inducements to giving every reasonable facility to the measure. Not

only the pretensions of that institution, from its original relation to the Government of the United States, and from the services it has rendered, are such as to claim a disposition favorable to it, if those who are interested in it are willing, on their part, to place it on a footing satisfactory to the Government, and equal to the purposes of a bank of the United States, but its co-operation would materially accelerate the accomplishment of the great object, and the collision, which might otherwise arise, might, in a variety of ways, prove equally disagreeable and injurious. The incorporation or union here contemplated, may be effected in different modes, under the auspices of an act of the United States, if it shall be desired by the Bank of North America, upon terms which shall appear expedient to the Government. . . .

Hamilton's Report on the Public Credit, 1790

In response to a resolution of the House of Representatives, Hamilton submitted two reports concerning the maintenance of the public credit and a third report regarding the establishment of a National Bank. The first of his public credit reports, dated January 9, 1790, is here given. From the text in "American State Papers, Finance," Vol. I., pp. 15–25. (See page 108.)

The Secretary of the Treasury, in obedience to the resolution of the House of Representatives of the twenty-first day of September last, has, during the recess of Congress, applied himself to the consideration of a proper plan for the support of the public credit, with all the attention which was due to the authority of the House, and to the magnitude of the object.

In the discharge of this duty, he has felt, in no small degree, the anxieties which naturally flow from a just estimate of the difficulty of the task, from a well founded diffidence of his own qualifications for executing it with success, and from a deep and solemn conviction of the momentous nature of the truth contained in the resolution under which his investigations have been conducted, "That an adequate provision for the support of the public credit is a matter of high importance to the honor and prosperity of the United States." . . .

In the opinion of the Secretary, the wisdom of the House, in giving their explicit sanction to the proposition which has been stated, cannot but be applauded by all

who will seriously consider and trace, through their obvious consequences, these plain and undeniable truths:

That exigencies are to be expected to occur, in the affairs of nations, in which there will be a necessity for borrowing;

That loans in times of public danger, especially from foreign war, are found an indispensable resource, even to the wealthiest of them;

And that, in a country which, like this, is possessed of little active wealth, or, in other words, little moneyed capital, the necessity for that resource must, in such emergencies, be proportionably urgent.

And as, on the one hand, the necessity for borrowing, in particular emergencies, cannot be doubted; so, on the other, it is equally evident, that, to be able to borrow upon good terms, it is essential that the credit of a nation should be well established. . . .

If the maintenance of public credit, then, be truly so important, the next inquiry which suggests itself is, By what means it is to be effected? The ready answer to which question is, by good faith; by a punctual performance of contracts. States, like individuals, who observe their engagements, are respected and trusted, while the reverse is the fate of those who pursue an opposite conduct. . . .

While the observance of that good faith, which is the basis of public credit, is recommended by the strongest inducements of political expediency, it is enforced by considerations of still greater authority. There are arguments for it which rest on the immutable principles of moral obligation. And in proportion as the mind is disposed to contemplate, in the order of Providence, an intimate connexion between public virtue and public happiness, will be its repugnancy to a violation of those principles.

This reflection derives additional strength from the

A TABLE

Of the Weight and Value of coined Silver and Gold, and Engliſh Half-Pence and Farthings, as eſtabliſhed by an ACT of the Commonwealth of MASSACHUSETTS.

[Paſſed October 23d, 1784.]

	£.	s.	d.
"AN *Engliſh* or *French* Crown, at —— and all diviſions of ſuch Crowns in proportion.	0	6	8
A *Spaniſh* milled Dollar, at —— —— and all diviſions of ſuch Dollars in proportion.	0	6	0
An *Engliſh* Guinea of the weight of 5 *dwt.* 6 *gr.* at - and all diviſions of ſuch Guineas in equal proportion.	1	8	0
A *French* Guinea of the weight of 5 *dwt.* 6 *gr.* at —	1	7	4
A Coin of *Portugal*, commonly called a Johannes, of the weight of 18 *dwt.* at —— —— and all diviſions of ſuch Johannes in like proportion.	4	16	0
A Moidore of the weight of 6 *dwt.* 18 *gr.* at — and all diviſions of Moidores in like proportion.	1	16	0
A Four-Piſtole Piece, called a Doubloon, of the weight of 16 *dwt.* 12 *gr.* at —— —— and all diviſions of the ſame coin in like proportion.	4	8	0

Three *Engliſh* Farthings at a *Penny*, and *Engliſh* Half-Pence in proportion.

It is alſo enacted by the ſaid Law, that all Pieces of Gold Coin, before enumerated, and which ſhall weigh more or leſs than is by the Act eſtabliſhed as their current weight, ſhall be received in Payment for the Taxes hereafter to be received into the Treaſury of this Commonwealth, and in all Debts, for a Sum proportioned to the Value of Gold as thereby ſtated, to wit, at £.5 6*ſ.* 8*d.* by the Ounce, any Law, Uſage or Cuſtom to the contrary notwithſtanding."

	£.	s.	d.
An Ounce of Gold is - -	5	6	8
A Pennyweight of ditto is - -	0	5	4
A Grain of ditto is - - -	0	0	$2\frac{1}{2}$

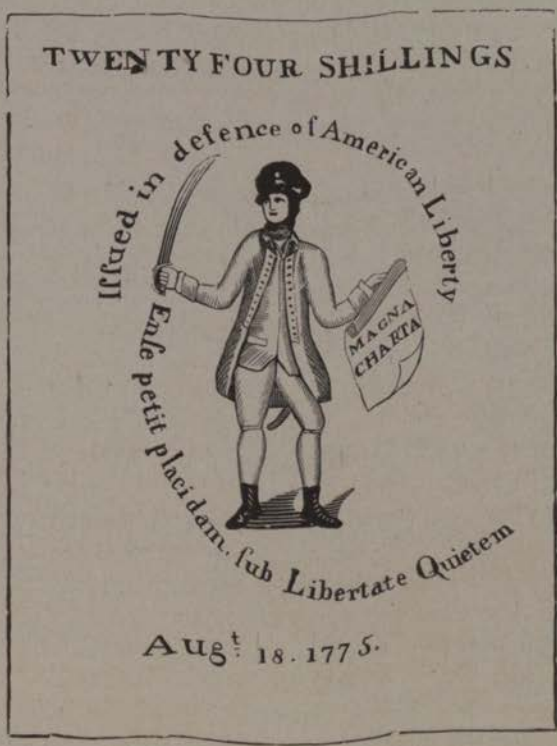
nature of the debt of the United States. It was the price of liberty. The faith of America has been repeatedly pledged for it, and with solemnities that give peculiar force to the obligation. There is, indeed, reason to regret that it has not hitherto been kept; that the necessities of the war, conspiring with inexperience, in the subjects of finance, produced direct infractions; and that the subsequent period has been a continued scene of negative violation, or non-compliance. But a diminution of this regret arises from the reflection, that the last seven years have exhibited an earnest and uniform effort, on the part of the Government of the Union, to retrieve the national credit, by doing justice to the creditors of the nation; and that the embarrassments of a defective constitution, which defeated this laudable effort, have ceased.

From this evidence of a favorable disposition given by the former Government, the institution of a new one, clothed with powers competent to calling forth the resources of the community, has excited correspondent expectations. A general belief accordingly prevails, that the credit of the United States will quickly be established on the firm foundation of an effectual provision for the existing debt. The influence which this has had at home, is witnessed by the rapid increase that has taken place in the market value of the public securities. From January to November, they rose thirty-three and a third per cent.; and from that period to this time, they have risen fifty per cent. more; and the intelligence from abroad announces effects proportionately favorable to our national credit and consequence.

It cannot but merit particular attention, that, among ourselves, the most enlightened friends of good government are those whose expectations are the highest.

To justify and preserve their confidence; to promote the increasing respectability of the American name; to answer the calls of justice; to restore landed property

to its due value; to furnish new resources, both to agriculture and commerce; to cement more closely the union of the States; to add to their security against foreign attack; to establish public order on the basis of an upright and liberal policy;—these are the great and in-


TWENTY FOUR SHILLINGS
Issued in defence of American Liberty
Ense petit placidam sub Libertate Quietem
MAGNA CHARTA
Aug.t 18. 1775.

REVERSE OF A MASSACHUSETTS TREASURY NOTE

valuable ends to be secured by a proper and adequate provision, at the present period, for the support of public credit. . . .

The advantage to the public creditors, from the increased value of that part of their property which constitutes the public debt, needs no explanation.

But there is a consequence of this, less obvious, though not less true, in which every other citizen is interested. It is a well known fact, that, in countries in which the national debt is properly funded, and an object of established confidence, it answers most of the purposes of money. Transfers of stock or public debt, are there equivalent to payments in specie; or, in other words, stock, in the principal transactions of business, passes current as specie.

. . . . . .

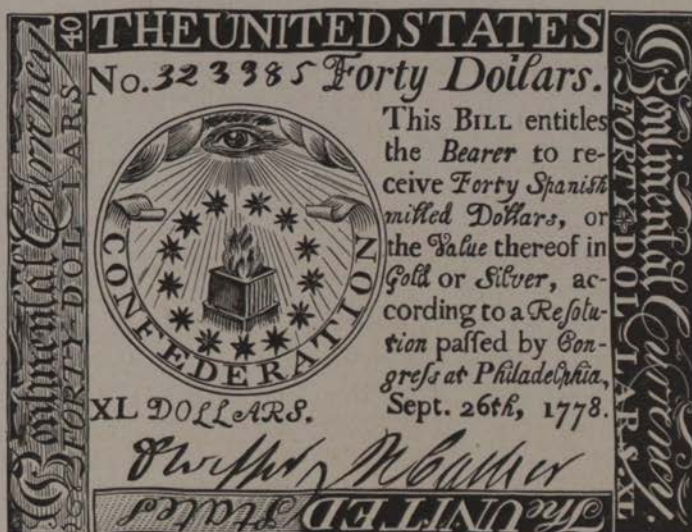
It ought not, however, to be expected, that the advantages described as likely to result from funding the public debt, would be instantaneous. It might require some time to bring the value of stock to its natural level, and to attach to it that fixed confidence, which is necessary to its quality as money. Yet the late rapid rise of the public securities encourages an expectation that the progress of stock, to the desirable point, will be much more expeditious than could have been foreseen. And as, in the mean time, it will be increasing in value, there is room to conclude that it will, from the outset, answer many of the purposes in contemplation. Particularly, it seems to be probable, that from creditors, who are not themselves necessitous, it will early meet with a ready reception in payment of debts, at its current price.

Having now taken a concise view of the inducements to a proper provision for the public debt, the next inquiry which presents itself is, What ought to be the nature of such a provision? This requires some preliminary discussions.

It is agreed on all hands, that that part of the debt which has been contracted abroad, and is denominated the foreign debt, ought to be provided for according to the precise terms of the contracts relating to it. The discussions which can arise, therefore, will have reference

essentially to the domestic part of it, or to that which has been contracted at home. It is to be regretted that there is not the same unanimity of sentiment on this part as on the other.

The Secretary has too much deference for the opinions of every part of the community, not to have observed


THE UNITED STATES
No. 323385 Forty Dollars.
This BILL entitles the Bearer to receive Forty Spanish milled Dollars, or the Value thereof in Gold or Silver, according to a Resolution passed by Congress at Philadelphia, Sept. 26th, 1778.
CONFEDERATION
XL DOLLARS.
Continental Currency
FORTY DOLLARS
THE UNITED STATES

FACSIMILE OF A GENUINE CONTINENTAL BILL

one, which has more than once made its appearance in the public prints, and which is occasionally to be met with in conversation. It involves this question: Whether a discrimination ought not to be made between original holders of the public securities, and present possessors, by purchase? Those who advocate a discrimination, are for making a full provision for the securities of the former at their nominal value; but contend that the latter ought to receive no more than the cost to them, and the interest. And the idea is sometimes suggested, of making good the difference to the primitive possessor.

In favor of this scheme, it is alleged, that it would be unreasonable to pay twenty shillings in the pound, to one who had not given more for it than three or four. And it is added, that it would be hard to aggravate the misfortune of the first owner, who, probably, through necessity, parted with his property at so great a loss, by obliging him to contribute to the profit of the person who had speculated on his distresses.

The Secretary, after the most mature reflection on the force of this argument, is induced to reject the doctrine it contains, as equally unjust and impolitic; as highly injurious, even to the original holders of public securities; as ruinous to public credit.

It is inconsistent with justice, because, in the first place, it is a breach of contract—a violation of the rights of a fair purchaser.

The nature of the contract, in its origin, is, that the public will pay the sum expressed in the security, to the first holder or his assignee. The intent in making the security assignable, is, that the proprietor may be able to make use of his property, by selling it for as much as it may be worth in the market, and that the buyer may be safe in the purchase.

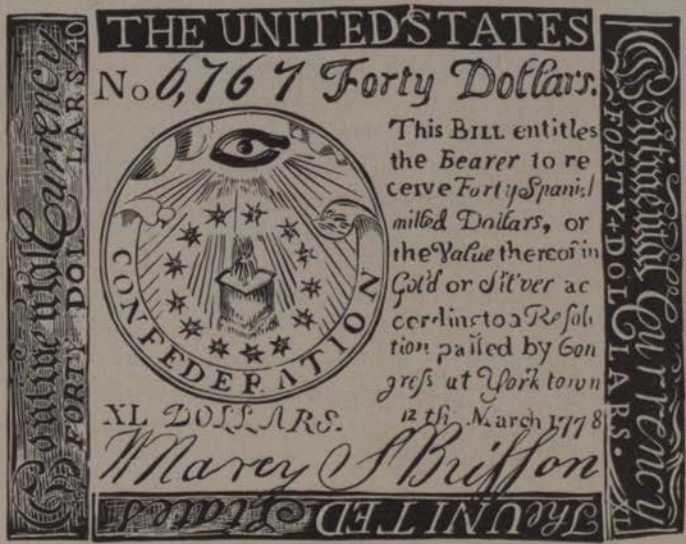
. . . . . .

The impolicy of a discrimination results from two considerations: One, that it proceeds upon a principle destructive of that quality of the public debt, or the stock of the nation, which is essential to its capacity for answering the purposes of money, that is, the security of transfer; the other, that, as well on this account as because it includes a breach of faith, it renders property in the funds, less valuable, consequently, induces lenders to demand a higher premium for what they lend, and produces every other inconvenience of a bad state of public credit.

It will be perceived, at first sight, that the transfer-

able quality of stock is essential to its operation as money, and that this depends on the idea of complete security to the transferee, and firm persuasion, that no distinction can, in any circumstances, be made between him and the original proprietor.

The precedent of an invasion of this fundamental principle, would, of course, tend to deprive the com-


THE UNITED STATES
No 6,767 Forty Dollars.
This BILL entitles the Bearer to receive Forty Spanish milled Dollars, or the Value thereof in Gold or Silver according to a Resolution passed by Congress at York town 12th March 1778
CONFEDERATION
XL DOLLARS.
Continental Currency FORTY DOLLARS 40
Continental Currency FORTY DOLLARS XL

FACSIMILE OF A COUNTERFEIT CONTINENTAL BILL

munity of an advantage with which no temporary saving could bear the least comparison.

And it will as readily be perceived that the same cause would operate a diminution of the value of stock in the hands of the first as well as of every other holder. The price which any man who should incline to purchase, would be willing to give for it, would be in a compound ratio to the immediate profit it afforded, and the chance of the continuance of his profit. If there was supposed to be any hazard of the latter, the risk would be taken

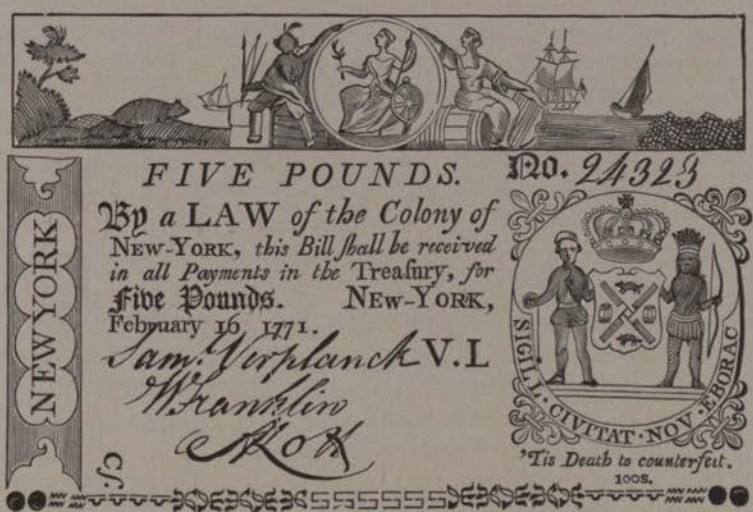
into the calculation, and either there would be no purchase at all, or it would be at a proportionably less price. . . .

But there is still a point in view, in which it will appear perhaps even more exceptionable than in either of the former. It would be repugnant to an express provision of the constitution of the United States. This provision is, that "all debts contracted, and engagements entered into, before the adoption of that constitution, shall be as valid against the United States under it, as under the Confederation;" which amounts to a constitutional ratification of the contracts respecting the debt, in the state in which they existed under the confederation. And, resorting to that standard, there can be no doubt that the rights of assignees and original holders must be considered as equal. . . .

The Secretary, concluding that a discrimination between the different classes of creditors of the United States cannot, with propriety, be made, proceeds to examine whether a difference ought to be permitted to remain between them and another description of public creditors—those of the States, individually. The Secretary, after mature reflection on this point, entertains a full conviction, that an assumption of the debts of the particular States by the Union, and a like provision for them, as for those of the Union, will be a measure of sound policy and substantial justice. . . .

There are several reasons, which render it probable that the situation of the State creditors would be worse than that of the creditors of the Union, if there be not a national assumption of the State debts. Of these it will be sufficient to mention two: one, that a principal branch of revenue is exclusively vested in the Union; the other, that a State must always be checked in the imposition of taxes on articles of consumption, from the want of power to extend the same regulation to the other States, and from the tendency of partial duties to

injure its industry and commerce. Should the State creditors stand upon a less eligible footing than the others, it is unnatural to expect they would see with pleasure a provision for them. The influence which their dissatisfaction might have, could not but operate injuriously, both for the creditors and the credit of the United States. Hence it is even the interest of the creditors of the Union, that those of the individual


NEW YORK
FIVE POUNDS.
No. 24323
By a LAW of the Colony of NEW-YORK, this Bill shall be received in all Payments in the Treasury, for Five Pounds. NEW-YORK, February 16, 1771.
Sam. Verplanck
V.L
Franklin
Kok
SIGILL · CIVITAT · NOV · EBORAC
'Tis Death to counterfeit.
100S.

FACSIMILE OF A NEW YORK FIVE-POUND BILL

States should be comprehended in a general provision. Any attempt to secure to the former either exclusive or peculiar advantages, would materially hazard their interests. Neither would it be just, that one class of public creditors should be more favored than the other. The objects for which both descriptions of the debt were contracted, are in the main the same. Indeed, a great part of the particular debts of the States has arisen from assumptions by them on account of the Union. And it is most equitable, that there should be the same

measure of retribution for all. There is an objection, however, to an assumption of the State debts, which deserves particular notice. It may be supposed, that it would increase the difficulty of an equitable settlement between them and the United States.

The principles of that settlement, whenever they shall be discussed, will require all the moderation and wisdom of the Government. In the opinion of the Secretary, that discussion, till further lights are obtained, would be premature. All, therefore, which he would now think advisable on the point in question, would be, that the amount of the debts assumed and provided for, should be charged to the respective States, to abide an eventual arrangement. This, the United States, as assignees to the creditors, would have an indisputable right to do. . . .

. . . . . .

The result of the foregoing discussion is this: That there ought to be no discrimination between the original holders of the debt, and present possessors by purchase. That it is expedient there should be an assumption of the State debts by the Union, and that the arrears of interest should be provided for on an equal footing with the principal.

The next inquiry, in order, towards determining the nature of a proper provision, respects the quantum of the debt, and the present rates of interest.

The debt of the Union is distinguishable into foreign and domestic.

The foreign debt, as stated in schedule B, amounts to, principal, ...	$10,070,307 00
Bearing an interest of four, and partly an interest of five per cent.	
Arrears of interest to the last of December, 1789	1,640,071 62
Making, together . . .	$11,710,378 62

The domestic debt may be subdivided into liquidated and unliquidated; principal and interest.	
The principal of the liquidated part, as stated in the schedule C, amounts to . . .	$27,383,917 74
Bearing an interest of six per cent.	
The arrears of interest, as stated in the schedule D, to the end of 1790, amount to . .	13,030,168 20
Making, together . . .	$40,414,085 94

The unliquidated part of the domestic debt, which consists chiefly of the continental bills of credit, is not ascertained, but may be estimated at 2,000,000 dollars.

These several sums constitute the whole of the debt of the United States, amounting together to $54,124,-464 56. That of the individual States is not equally well ascertained. . . . The Secretary, however, presumes that the total amount may be safely stated at twenty-five millions of dollars, principal and interest. . . .

On the supposition that the arrears of interest ought to be provided for on the same terms with the principal, the annual amount of the interest, which, at the existing rates, would be payable on the entire mass of the public debt, would be—

On the foreign debt, computing the interest on the principal, as it stands, and allowing four per cent. on the arrears of interest, .	$542,599 66
On the domestic debt, including that of the States, ...	4,044,845 15
Making, together . . .	$4,587,444 81

The interesting problem now occurs: Is it in the power of the United States, consistently with those prudential considerations which ought not to be overlooked, to make a provision equal to the purpose of funding the whole debt, at the rates of interest which it now bears,

in addition to the sum which will be necessary for the current service of the Government?

The Secretary will not say that such a provision would exceed the abilities of the country; but he is clearly of opinion that, to make it, would require the extension of taxation to a degree, and to objects, which the true interest of the public creditors forbids. It is therefore to be hoped, and even to be expected, that they will cheerfully concur in such modifications of their claims, on fair and equitable principles, as will facilitate to the Government an arrangement substantial, durable, and satisfactory to the community. . . .



SILVER PENNY OF WASHINGTON, 1792

From Snowden, "Medals of Washington"

Probabilities are always a rational ground of contract. The Secretary conceives, that there is good reason to believe, if effectual measures are taken to establish public credit, that the Government rate of interest in the United States will, in a very short time, fall at least as low as five per cent.; and that, in a period not exceeding twenty years, it will sink still lower, probably to four. There are two principal causes which will be likely to produce this effect; one, the low rate of interest in Europe; the other, the increase of the moneyed capital of the nation, by the funding of the public debt. . . .

Premising these things, the Secretary submits to the House the expediency of proposing a loan, to the full amount of the debt, as well of the particular States as of the Union, upon the following terms:

First. That, for every hundred dollars subscribed, payable in the debt, (as well interest as principal) the subscriber be entitled, at his option, either to have two-thirds funded at an annuity or yearly interest of six per cent., redeemable at the pleasure of the Govern-

ment, by payment of the principal, and to receive the other third in lands in the western territory, at the rate of twenty cents per acre; or, to have the whole sum funded at an annuity or yearly interest of four per cent., irredeemable by any payment exceeding five dollars per annum, on account both of principal and interest,



FACSIMILE OF BACK OF A CONTINENTAL BILL

and to receive, as a compensation for the reduction of interest, fifteen dollars and eighty cents, payable in lands, as in the preceding case; or, to have sixty-six dollars and two-thirds of a dollar funded immediately, at an annuity or yearly interest of six per cent., irredeemable by any payment exceeding four dollars and two-thirds of a dollar per annum, on account both of

principal and interest, and to have, at the end of ten years, twenty-six dollars and eighty-eight cents funded at the like interest and rate of redemption; or, to have an annuity, for the remainder of life, upon the contingency of fixing to a given age, not less distant than ten years, computing interest at four per cent.; or, to have an annuity, for the remainder of life, upon the contingency of the survivorship of the youngest of two persons, computing interest in this case also at four per cent.

In addition to the foregoing loan, payable wholly in the debt, the Secretary would propose that one should be opened for ten millions of dollars, on the following plan:

That, for every hundred dollars subscribed, payable one half in specie, and the other half in debt, (as well principal as interest) the subscriber be entitled to an annuity or yearly interest of five per cent., irredeemable by any payment exceeding six dollars per annum, on account both of principal and interest. . . .

. . . . . .

The remaining part of the task to be performed is to take a view of the means of providing for the debt, according to the modification of it which is proposed. . . .

. . . to pay the interest of the foreign debt, and to pay four per cent. on the whole of the domestic debt, principal and interest, forming a new capital, will require a yearly income of $2,239,163.09—the sum which, in the opinion of the Secretary, ought now to be provided, in addition to what the current service will require. . . .

With regard to the instalments of the foreign debt, these, in the opinion of the Secretary, ought to be paid by new loans abroad. Could funds be conveniently spared from other exigencies, for paying them, the United States could illy bear the drain of cash, at the

present juncture, which the measure would be likely to occasion.

But to the sum which has been stated for payment of the interest, must be added a provision for the current service. This the Secretary estimates at six hundred thousand dollars, making, with the amount of the interest, two millions eight hundred and thirty-nine thousand one hundred and sixty-three dollars and nine cents.

This sum may, in the opinion of the Secretary, be obtained from the present duties on imports and tonnage, with the additions which, without any possible disadvantage, either to trade or agriculture, may be made on wines, spirits, (including those distilled within the United States) teas and coffee.

. . . . . .

The Secretary now proceeds, in the last place, to offer to the consideration of the House his ideas of the steps which ought, at the present session, to be taken towards the assumption of the State debts.

These are, briefly, that concurrent resolutions of the two Houses, with the approbation of the President, be entered into, declaring, in substance—

That the United States do assume, and will, at the first session in the year 1791, provide, on the same terms with the present debt of the United States, for all such part of the debts of the respective States, or any of them, as shall, prior to the first day of January, in the said year, 1791, be subscribed towards a loan to the United States, upon the principles of either of the plans, which shall have been adopted by them, for obtaining a reloan of their present debt.

Provided, that the provision to be made, as aforesaid, shall be suspended, with respect to the debt of any State which may have exchanged the securities of the United States for others issued by itself, until the whole

of the said securities shall either be re-exchanged or surrendered to the United States.

And provided, also, that the interest upon the debt assumed, be computed to the end of the year 1791; and that the interest to be paid by the United States, commence on the first day of January, 1792.

That the amount of the debt of each State, so assumed and provided for, be charged to such State in account with the United States, upon the same principles upon which it shall be lent to the United States.

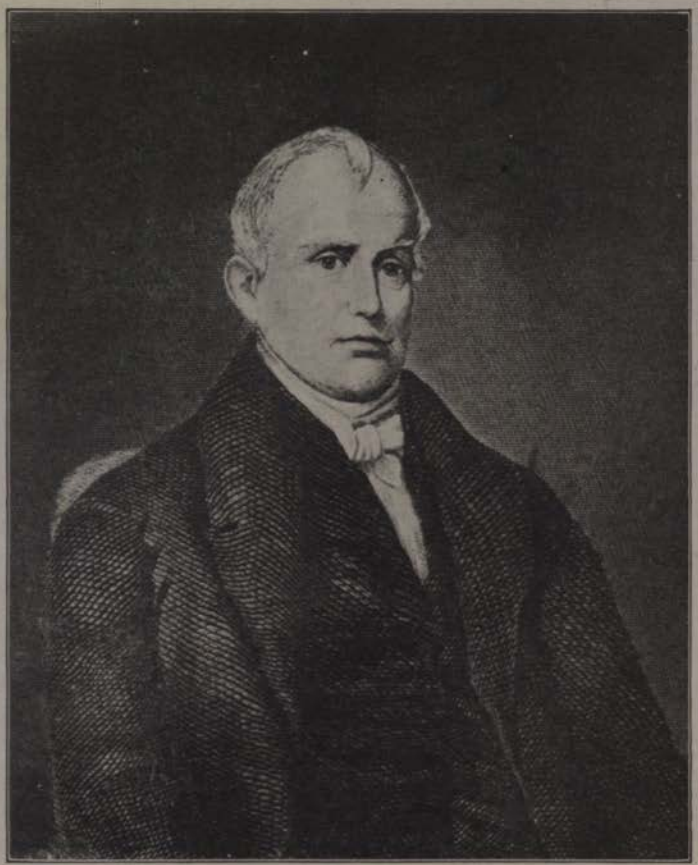
That subscriptions be opened for receiving loans of the said debts, at the same times and places, and under the like regulations, as shall have been prescribed in relation to the debt of the United States. . . .

Hamilton's Report on Manufactures, 1791

In his first annual address, January 8, 1790, President Washington, referring to "a free people," said ". . . their safety and interest require that they should promote such manufactories as tend to render them independent of others for essential, particularly military, supplies." This part of the address was referred by the House of Representatives to Mr. Hamilton, then Secretary of the Treasury, with instructions to draft a plan for carrying out the President's recommendation. On December 5, 1791, Mr. Hamilton submitted an exceedingly comprehensive report. The following extracts give the salient points. From text in "American State Papers, Finance," Vol. I., pp. 123–144. (See page 109.)

The Secretary of the Treasury, in obedience to the order of the House of Representatives of the 15th day of January, 1790, has applied his attention, at as early a period as his other duties would permit, to the subject of Manufactures, and particularly to the means of promoting such as will tend to render the United States independent of foreign nations, for military and other essential supplies; and he thereupon respectfully submits the following report:

The expediency of encouraging manufactures in the United States, which was not long since deemed very questionable, appears at this time to be pretty generally



SAMUEL SLATER

(Slater reproduced in America Arkwright's English method of power-spinning and, in 1790, with the financial assistance of Moses Brown of Providence, R. I., built, at Pawtucket, R. I., the first cotton-mill in America. This was the beginning of a new era, not only in the manufacture of cotton, but in the general industrial development of America)

admitted. The embarrassments which have obstructed the progress of our external trade, have led to serious reflections on the necessity of enlarging the sphere of our domestic commerce. The restrictive regulations, which, in foreign markets, abridge the vent of the increasing surplus of our agricultural produce, serve to beget an earnest desire, that a more extensive demand for that surplus may be created at home; and the com-



HOUSE BUILT AND OCCUPIED BY SAMUEL SLATER, PAWTUCKET, R. I.

plete success which has rewarded manufacturing enterprise, in some valuable branches, conspiring with the promising symptoms which attend some less mature essays in others, justify a hope, that the obstacles to the growth of this species of industry are less formidable than they were apprehended to be; and that it is not difficult to find, in its further extension, a full indemnification for any external disadvantages, which are or may be experienced, as well as an accession of resources, favorable to national independence and safety.

There still are, nevertheless, respectable patrons of

opinions unfriendly to the encouragement of manufactures. The following are, substantially, the arguments by which these opinions are defended.

"In every country, (say those who entertain them) agriculture is the most beneficial and productive object of human industry. This position, generally, if not universally true, applies with peculiar emphasis to the United States, on account of their immense tracts of fertile territory, uninhabited and unimproved. Nothing can afford so advantageous an employment for capital and labor, as the conversion of this extensive wilderness into cultivated farms. Nothing, equally with this, can contribute to the population, strength, and real riches of the country.

"To endeavor, by the extraordinary patronage of government, to accelerate the growth of manufactures, is, in fact, to endeavor, by force and art, to transfer the natural current of industry from a more to a less beneficial channel. Whatever has such a tendency, must necessarily be unwise; indeed, it can hardly ever be wise in a government to attempt to give a direction to the industry of its citizens. This, under the quick-sighted guidance of private interest, will, if left to itself, infallibly find its own way to the most profitable employment; and it is by such employment, that the public prosperity will be most effectually promoted. To leave industry to itself, therefore, is, in almost every case, the soundest as well as the simplest policy.

"This policy is not only recommended to the United States by considerations which affect all nations; it is, in a manner, dictated to them by the imperious force of a very peculiar situation. The smallness of their population compared with their territory; the constant allurements to emigration from the settled to the unsettled parts of the country; the facility with which the less independent condition of an artisan can be exchanged for the more independent condition of a farmer;

these, and similar causes, conspire to produce, and, for a length of time, must continue to occasion, a scarcity of hands for manufacturing occupation, and dearness of labor generally. To these disadvantages for the prosecution of manufactures, a deficiency of pecuniary capital being added, the prospect of a successful competition



SAMUEL SLATER'S MILL AT PAWTUCKET, R. I. THE FIRST COTTON MILL BUILT IN AMERICA (1793)

with the manufactures of Europe, must be regarded as little less than desperate. Extensive manufactures can only be the offspring of a redundant, at least of a full population. Till the latter shall characterize the situation of this country, 'tis vain to hope for the former.

"If, contrary to the natural course of things, an unseasonable and premature spring can be given to certain fabrics, by heavy duties, prohibitions, bounties, or by other forced expedients, this will only be to sacrifice the interests of the community to those of particular classes. Besides the misdirection of labor, a virtual monopoly will be given to the persons employed on such fabrics; and an enhancement of price, the inevitable consequence of every monopoly, must be defrayed at the expense of

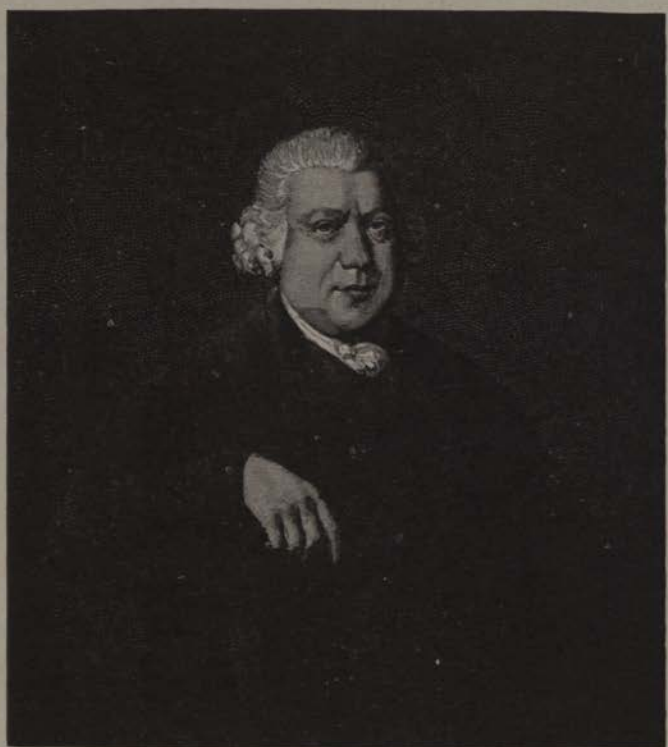
the other parts of the society. It is far preferable, that those persons should be engaged in the cultivation of the earth, and that we should procure, in exchange for its productions, the commodities with which foreigners are able to supply us in greater perfection, and upon better terms."

This mode of reasoning is founded upon facts and principles which have certainly respectable pretensions. If it had governed the conduct of nations more generally than it has done, there is room to suppose that it might have carried them faster to prosperity and greatness than they have attained by the pursuit of maxims too widely opposite. Most general theories, however, admit of numerous exceptions, and there are few, if any, of the political kind, which do not blend a considerable portion of error with the truths they inculcate.

In order to an accurate judgment how far that which has been just stated ought to be deemed liable to a similar imputation, it is necessary to advert carefully to the considerations which plead in favor of manufactures, and which appear to recommend the special and positive encouragement of them in certain cases, and under certain reasonable limitations.

It ought readily to be conceded that the cultivation of the earth, as the primary and most certain source of national supply; as the immediate and chief source of subsistence to man; as the principal source of those materials which constitute the nutriment of other kinds of labor; as including a state most favorable to the freedom and independence of the human mind,—one, perhaps, most conducive to the multiplication of the human species; has intrinsically a strong claim to pre-eminence over every other kind of industry.

But, that it has a title to anything like an exclusive predilection, in any country, ought to be admitted with great caution; that it is even more productive than every other branch of industry, requires more evidence



RICHARD ARKWRIGHT

(Inventor of spinning-machine (1768) which Samuel Slater first introduced in America in 1790 at Pawtucket, Rhode Island, where was built the first cotton-mill. Picture by Joseph Wright of Derby, reproduced in Green's "Short History of the English People," Vol. IV.)

than has yet been given in support of the position. That its real interests, precious and important as, without the help of exaggeration, they truly are, will be advanced, rather than injured, by the due encouragement of manufactures, may, it is believed, be satisfactorily demonstrated. And it is also believed, that the expediency of such encouragement, in a general view, may be shown to be recommended by the most cogent and persuasive motives of national policy.

It has been maintained, that agriculture is not only the most productive, but the only productive species of industry. The reality of this suggestion, in either respect, has, however, not been verified by any accurate detail of facts and calculations; and the general arguments which are adduced to prove it, are rather subtile and paradoxical, than solid or convincing. . . .

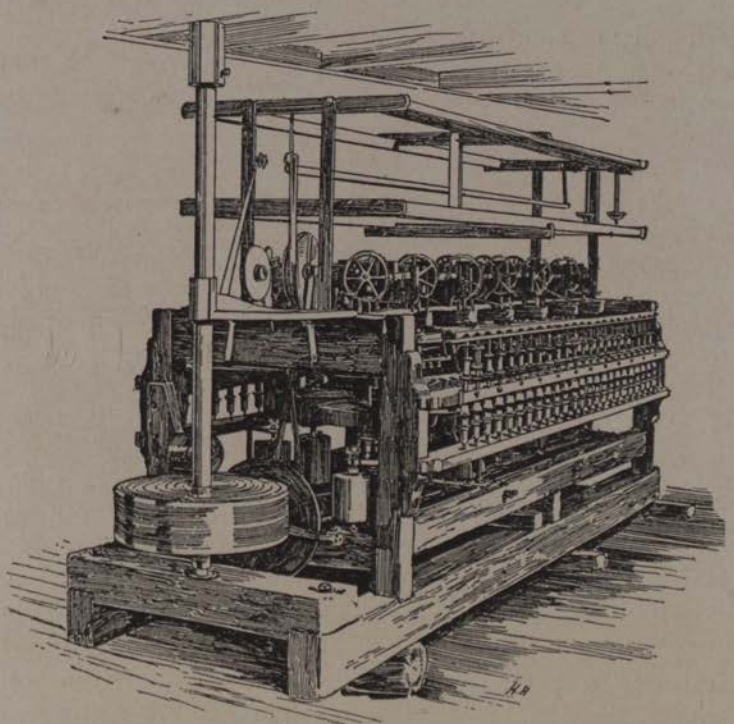
But, while the exclusive productiveness of agricultural labor has been thus denied and refuted, the superiority of its productiveness has been conceded without hesitation. As this concession involves a point of considerable magnitude, in relation to maxims of public administration, the grounds on which it rests are worthy of a distinct and particular examination.

One of the arguments made use of in support of the idea, may be pronounced both quaint and superficial. It amounts to this: That, in the productions of the soil, nature co-operates with man; and that the effect of their joint labor must be greater than that of the labor of man alone. . . .

Another, and that which seems to be the principal argument offered for the superior productiveness of agricultural labor, turns upon the allegation, that labor employed on manufactures, yields nothing equivalent to the rent of land; or to that nett surplus, as it is called, which accrues to the proprietor of the soil.

But this distinction, important as it has been deemed, appears rather verbal than substantial. . . .

The foregoing suggestions are not designed to inculcate an opinion that manufacturing industry is more productive than that of agriculture. They are intended rather to show that the reverse of this proposition is



THE ORIGINAL SLATER SPINNING-FRAME
(Preserved in the National Museum, Washington, D. C.)

not ascertained; that the general arguments, which are brought to establish it, are not satisfactory; and consequently, that a supposition of the superior productiveness of tillage ought to be no obstacle to listening to any substantial inducements to the encouragement of manu-

factures, which may be otherwise perceived to exist, through an apprehension that they may have a tendency to divert labor from a more to a less profitable employment.

It is extremely probable, that, on a full and accurate development of the matter, on the ground of fact and calculation, it would be discovered that there is no material difference between the aggregate productiveness of the one, and of the other kind of industry; and that the propriety of the encouragements, which may, in any case, be proposed to be given to either, ought to be determined upon consideration irrelative to any comparison of that nature. . . .

It is now proper to proceed a step further, and to enumerate the principal circumstances from which it may be inferred that manufacturing establishments not only occasion a positive augmentation of the produce and revenue of the society, but that they contribute essentially to rendering them greater than they could possibly be, without such establishments. These circumstances are:

1. The division of labor.
2. An extension of the use of machinery.
3. Additional employment to classes of the community not ordinarily engaged in the business.
4. The promoting of emigration from foreign countries.
5. The furnishing greater scope for the diversity of talents and dispositions, which discriminate men from each other.
6. The affording a more ample and various field for enterprise.
7. The creating, in some instances, a new, and securing, in all, a more certain and steady demand for the surplus produce of the soil. . . .

The foregoing considerations seem sufficient to establish, as general propositions, that it is the interest of

nations to diversify the industrious pursuits of the individuals who compose them. That the establishment of manufactures is calculated not only to increase the general stock of useful and productive labor, but even to improve the state of agriculture in particular; certainly to advance the interests of those who are engaged in it. There are other views that will be hereafter taken of the subject, which it is conceived will serve to confirm these inferences.

III. Previously to a further discussion of the objections to the encouragement of manufactures, which have been stated, it will be of use to see what can be said in reference to the particular situation of the United States, against the conclusions appearing to result from what has been already offered.

It may be observed, and the idea is of no inconsiderable weight, that, however true it might be, that a State which, possessing large tracts of vacant and fertile territory, was, at the same time, secluded from foreign commerce, would find its interest and the interest of agriculture, in diverting a part of its population from tillage to manufactures; yet it will not follow, that the same is true of a State which, having such vacant and fertile territory, has, at the same time, ample opportunity of procuring from abroad, on good terms, all the fabrics of which it stands in need, for the supply of its inhabitants. The power of doing this, at least secures the great advantage of a division of labor, leaving the farmer free to pursue, exclusively, the culture of his land, and enabling him to procure with its products the manufactured supplies requisite either to his wants or to his enjoyments. . . .

To these observations, the following appears to be a satisfactory answer:

1st. If the system of perfect liberty to industry and commerce were the prevailing system of nations, the arguments which dissuade a country, in the predica-

ment of the United States, from the zealous pursuit of manufactures, would doubtless have great force. . . .

But the system which has been mentioned, is far from characterizing the general policy of nations. The prevalent one has been regulated by an opposite spirit. The consequence of it is, that the United States are, to a certain extent, in the situation of a country precluded from foreign commerce. They can indeed, without difficulty, obtain from abroad the manufactured supplies of which they are in want; but they experience numerous and very injurious impediments to the emission and vent of their own commodities. . . .

In such a position of things, the United States cannot exchange with Europe on equal terms; and the want of reciprocity would render them the victim of a system which should induce them to confine their views to agriculture, and refrain from manufactures. . . .

2d. The conversion of their waste into cultivated lands, is certainly a point of great moment, in the political calculations of the United States. But the degree in which this may possibly be retarded, by the encouragement of manufactories, does not appear to countervail the powerful inducements to affording that encouragement. . . .

The remaining objections to a particular encouragement of manufactures in the United States, now require to be examined.

One of these turns on the proposition, that industry, if left to itself, will naturally find its way to the most useful and profitable employment. Whence it is inferred, that manufactures, without the aid of government, will grow up as soon and as fast as the natural state of things and the interest of the community may require.

Against the solidity of this hypothesis, in the full latitude of the terms, very cogent reasons may be offered. These have relation to the strong influence of habit and

the spirit of imitation; the fear of want of success in untried enterprises; the intrinsic difficulties incident to first essays towards a competition with those who have previously attained to perfection in the business to be attempted; the bounties, premiums, and other artificial encouragements, with which foreign nations second the exertions of their own citizens, in the branches in which they are to be rivalled. . . .

Whatever room there may be for an expectation, that the industry of a people, under the direction of private interest, will, upon equal terms, find out the most beneficial employment for itself, there is none for a reliance, that it will struggle against the force of unequal terms, or will, of itself, surmount all the adventitious barriers to a successful competition, which may have been erected, either by the advantages naturally acquired by practice, and previous possession of the ground, or by those which may have sprung from positive regulations and an artificial policy. This general reflection might alone suffice as an answer to the objection under examination, exclusively of the weighty considerations which have been particularly urged.

The objections to the pursuit of manufactures in the United States, which next present themselves to discussion, represent an impracticability of success, arising from three causes: scarcity of hands, dearness of labor, want of capital.

The two first circumstances are, to a certain extent, real; and, within due limits, ought to be admitted as obstacles to the success of manufacturing enterprise in the United States. But there are various considerations which lessen their force, and tend to afford an assurance, that they are not sufficient to prevent the advantageous prosecution of many very useful and extensive manufactories. . . .

It may be affirmed . . . in respect to hands for carrying on manufactures, that we shall, in a great measure,

trade upon a foreign stock, reserving our own for the cultivation of our lands and the manning of our ships, as far as character and circumstances shall incline. It is not unworthy of remark, that the objection to the success of manufactures, deduced from the scarcity of hands, is alike applicable to trade and navigation, and yet these are perceived to flourish, without any sensible impediment from that cause.

As to the dearness of labor, (another of the obstacles alleged) this has relation principally to two circumstances: one, that which has been just discussed, or the scarcity of hands; the other, the greatness of profits.

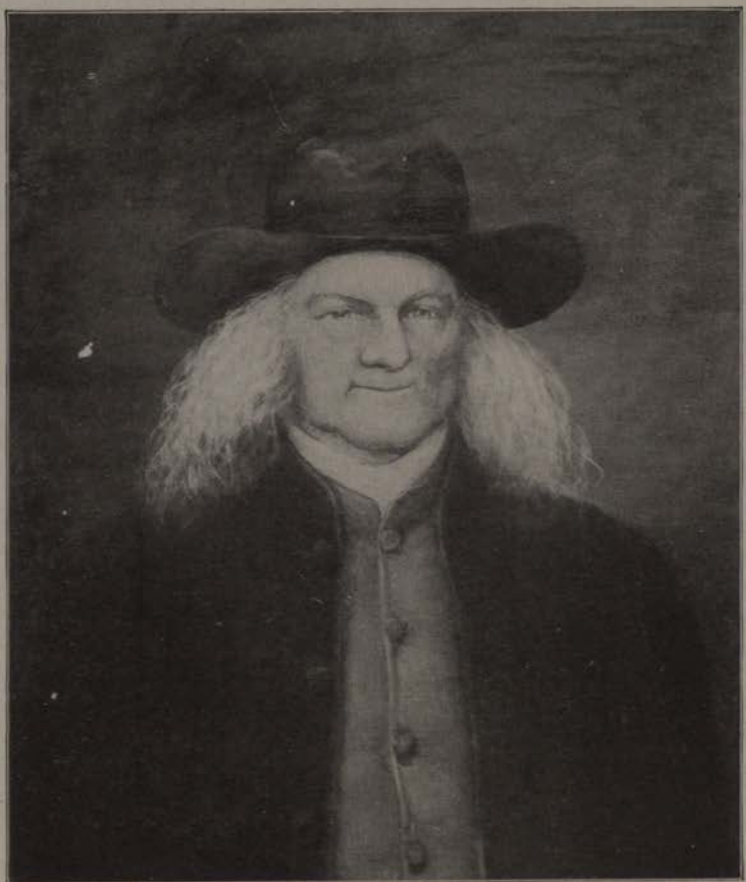
As far as it is a consequence of the scarcity of hands, it is mitigated by all the considerations which have been adduced as lessening that deficiency. . . .

So far as the dearness of labor may be a consequence of the greatness of profits in any branch of business, it is no obstacle to its success. The undertaker can afford to pay the price.

There are grounds to conclude, that undertakers of manufactures in this country, can, at this time, afford to pay higher wages to the workmen they may employ, than are paid to similar workmen in Europe. . . .

The supposed want of capital for the prosecution of manufactures in the United States, is the most indefinite of the objections which are usually opposed to it. . . .

It is not obvious why the same objection might not as well be made to external commerce as to manufactures: since it is manifest, that our immense tracts of land, occupied and unoccupied, are capable of giving employment to more capital than is actually bestowed on them. It is certain that the United States offer a vast field for the advantageous employment of capital; but it does not follow that there will not be found, in one way or another, a sufficient fund for the successful prosecution of any species of industry which is likely to prove truly beneficial. . . .



MOSES BROWN

(He invited Samuel Slater to Providence, and was associated with him in building the first cotton-mill in America. From a picture in possession of the Rhode Island Historical Society)

To all the arguments which are brought to evince the impracticability of success in manufacturing establishments in the United States, it might have been a sufficient answer to have referred to the experience of what has been already done. It is certain that several important branches have grown up and flourished, with a rapidity which surprises, affording an encouraging assurance of success in future attempts. Of these it may not be improper to enumerate the most considerable:

1. *Of Skins.*—Tanned and tawed leather, dressed skins, shoes, boots, and slippers, harness and saddlery of all kinds, portmanteaux and trunks, leather breeches, gloves, muffs, and tippets, parchment and glue.

2. *Of Iron.*—Bar and sheet iron, steel, nail rods and nails, implements of husbandry, stoves, pots, and other household utensils, the steel and iron work of carriages, and for ship building, anchors, scale beams and weights, and various tools of artificers, arms of different kinds; though the manufacture of these last has of late diminished for want of demand.

3. *Of Wood.*—Ships, cabinet wares, and turnery, wool and cotton cards, and other machinery for manufactures and husbandry, mathematical instruments, coopers' wares of every kind.

4. *Of Flax and Hemp.*—Cables, sail cloth, cordage, twine, and pack thread.

5. Bricks and coarse tiles, and potters' wares.

6. Ardent spirits and malt liquors.

7. Writing and printing paper, sheathing and wrapping paper, paste boards, fullers' or press papers, paper hangings.

8. Hats of fur and wool, and of mixtures of both; women's stuff and silk shoes.

9. Refined sugars.

10. Oils of animals and seeds, soap, spermaceti and tallow candles.

11. Copper and brass wares, particularly utensils for

distillers, sugar refiners, and brewers; andirons and other articles for household use, philosophical apparatus.

12. Tin wares for most purposes of ordinary use.
13. Carriages of all kinds.
14. Snuff, chewing and smoking tobacco.
15. Starch and hair-powder.
16. Lampblack, and other painters' colors.
17. Gunpowder.

Besides manufactories of these articles, which are carried on as regular trades, and have attained to a considerable degree of maturity, there is a vast scene of household manufacturing, which contributes more largely to the supply of the community than could be imagined, without having made it an object of particular inquiry. This observation is the pleasing result of the investigation to which the subject of this report has led, and is applicable as well to the Southern as to the Middle and Northern States. Great quantities of coarse cloths, coatings, serges, and flannels, linsey woolseys, hosiery of wool, cotton, and thread, coarse fustians, jeans, and muslins, checked and striped cotton and linen goods, bed ticks, coverlets, and counterpanes, tow linens, coarse shirtings, sheetings, towelling, and table linen, and various mixtures of wool and cotton, and of cotton and flax, are made in the household way, and, in many instances, to an extent not only sufficient for the supply of the families in which they are made, but for sale, and, even, in some cases, for exportation. It is computed in a number of districts that two-thirds, three-fourths, and even four-fifths, of all the clothing of the inhabitants, are made by themselves. The importance of so great a progress as appears to have been made in family manufactures, within a few years, both in a moral and political view, renders the fact highly interesting. . . .

There remains to be noticed an objection to the encouragement of manufactures, of a nature different from

those which question the probability of success. This is derived from its supposed tendency to give a monopoly of advantages to particular classes, at the expense of the rest of the community, who, it is affirmed, would be able to procure the requisite supplies of manufactured articles on better terms from foreigners than from our own citizens; and who, it is alleged, are reduced to necessity of paying an enhanced price for whatever they want, by every measure which obstructs the free competition of foreign commodities.

It is not an unreasonable supposition, that measures which serve to abridge the free competition of foreign articles, have a tendency to occasion an enhancement of prices; and it is not to be denied that such is the effect, in a number of cases; but the fact does not uniformly correspond with the theory. A reduction of prices has, in several instances, immediately succeeded the establishment of a domestic manufacture. Whether it be that foreign manufacturers endeavor to supplant, by underselling our own, or whatever else be the cause, the effect has been such as is stated, and the reverse of what might have been expected.

But, though it were true that the immediate and certain effect of regulations controlling the competition of foreign with domestic fabrics, was an increase of price, it is universally true that the contrary is the ultimate effect with every successful manufacture. When a domestic manufacture has attained to perfection, and has engaged in the prosecution of it a competent number of persons, it invariably becomes cheaper. Being free from the heavy charges which attend the importation of foreign commodities, it can be afforded, and accordingly seldom or never fails to be sold, cheaper, in process of time, than was the foreign article for which it is a substitute. The internal competition which takes place, soon does away every thing like monopoly, and by degrees reduces the price of the article to the minimum of

a reasonable profit on the capital employed. This accords with the reason of the thing, and with experience.

Whence it follows, that it is the interest of a community, with a view to eventual and permanent economy, to encourage the growth of manufactures. In a national view, a temporary enhancement of price must always be well compensated by a permanent reduction of it. . . .

The objections which are commonly made to the expediency of encouraging, and to the probability of succeeding in manufacturing pursuits, in the United States, having now been discussed, the considerations, which have appeared in the course of the discussion, recommending that species of industry to the patronage of the Government, will be materially strengthened by a few general, and some particular topics, which have been naturally reserved for subsequent notice.

I. There seems to be a moral certainty that the trade of a country, which is both manufacturing and agricultural, will be more lucrative and prosperous than that of a country which is merely agricultural. . . .

Not only the wealth, but the independence and security of a country, appear to be materially connected with the prosperity of manufactures. Every nation, with a view to those great objects, ought to endeavor to possess within itself, all the essentials of national supply. These comprise the means of subsistence, habitation, clothing, and defense.

The possession of these is necessary to the perfection of the body politic; to the safety as well as to the welfare of the society. The want of either is the want of an important organ of political life and motion; and in the various crises which await a State, it must severely feel the effects of any such deficiency. The extreme embarrassments of the United States, during the late war, from an incapacity of supplying themselves, are still matter of keen recollection; a future war might be expected again to exemplify the mischiefs and dangers

of a situation, to which that incapacity is still, in too great a degree, applicable, unless changed by timely and vigorous exertions. To effect this change, as fast as shall be prudent, merits all the attention and all the zeal of our public councils; 'tis the next great work to be accomplished. . . .

One more point of view only remains, in which to consider the expediency of encouraging manufactures in the United States.

It is not uncommon to meet with an opinion, that, though the promoting of manufactures may be the interest of a part of the Union, it is contrary to that of another part. The Northern and Southern regions are sometimes represented as having adverse interests in this respect. Those are called manufacturing, these agricultural States; and a species of opposition is imagined to subsist between the manufacturing and agricultural interests. . . .

Ideas of a contrariety of interests between the Northern and Southern regions of the Union, are, in the main, as unfounded as they are mischievous. The diversity of circumstances, on which such contrariety is usually predicated, authorizes a directly contrary conclusion. Mutual wants constitute one of the strongest links of political connection; and the extent of these bears a natural proportion to the diversity in the means of mutual supply.

Suggestions of an opposite complexion are ever to be deplored, as unfriendly to the steady pursuit of one great common cause, and to the perfect harmony of all the parts.

In proportion as the mind is accustomed to trace the intimate connection of interest which subsists between all the parts of a society, united under the same government, the infinite variety of channels which serve to circulate the prosperity of each, to and through the rest —in that proportion will it be little apt to be disturbed

by solicitudes and apprehensions, which originate in local discriminations.

It is a truth, as important as it is agreeable, and one to which it is not easy to imagine exceptions, that every thing tending to establish substantial and permanent order in the affairs of a country, to increase the total mass of industry and opulence, is ultimately beneficial to every part of it. On the credit of this great truth, an acquiescence may safely be accorded, from every quarter, to all institutions and arrangements which promise a confirmation of public order and an augmentation of national resource.

But there are more particular considerations which serve to fortify the idea that the encouragement of manufactures is the interest of all parts of the Union. If the Northern and Middle States should be the principal scenes of such establishments, they would immediately benefit the more Southern, by creating a demand for productions, some of which they have in common with the other States, and others, which are either peculiar to them, or more abundant, or of better quality, than elsewhere. These productions, principally, are timber, flax, hemp, cotton, wool, raw silk, indigo, iron, lead, furs, hides, skins, and coals; of these articles, cotton and indigo are peculiar to the Southern States, as are, hitherto lead and coal; flax and hemp are, or may be, raised in greater abundance there, than in the more Northern States; and the wool of Virginia is said to be of better quality than that of any other State—a circumstance rendered the more probable, by the reflection, that Virginia embraces the same latitudes with the finest wool countries of Europe. The climate of the South is also better adapted to the production of silk.

The extensive cultivation of cotton, can, perhaps, hardly be expected but from the previous establishment of domestic manufactories of the article; and the surest encouragement and vent for the others,

would result from similar establishments in respect to them. . . .

A full view having now been taken of the inducements to the promotion of manufactures in the United States, accompanied with an examination of the principal objections which are commonly urged in opposition, it is proper, in the next place, to consider the means by which it may be effected, as introductory to a specification of the objects, which, in the present state of things, appear the most fit to be encouraged, and of the particular measures which it may be advisable to adopt, in respect to each.

In order to a better judgment of the means proper to be resorted to by the United States, it will be of use to advert to those which have been employed with success in other countries. The principal of these are:

1. *Protecting duties—or duties on those foreign articles which are the rivals of the domestic ones intended to be encouraged. . . .*

2. *Prohibitions of rival articles, or duties equivalent to prohibitions. . . .*

3. *Prohibitions of the exportation of the materials of manufactures. . . .*

4. *Pecuniary bounties. . . .*

5. *Premiums. . . .*

6. *The exemption of the materials of manufactures from duty. . . .*

7. *Drawbacks of the duties which are imposed on the materials of manufactures. . . .*

8. *The encouragement of new inventions and discoveries at home, and of the introduction into the United States of such as may have been made in other countries; particularly, those which relate to machinery. . . .*

9. *Judicious regulations for the inspection of manufactured commodities. . . .*

10. *The facilitating of pecuniary remittances from place to place— . . .*

11. *The facilitating of the transportation of commodities.* . . .

. . . It appeared proper to investigate principles, to consider objections, and to endeavor to establish the utility of the thing proposed to be encouraged, previous to a specification of the objects which might occur, as meriting or requiring encouragement, and of the measures which might be proper in respect to each. The first purpose having been fulfilled, it remains to pursue the second.

In the selection of objects, five circumstances seem entitled to particular attention. The capacity of the country to furnish the raw material; the degree in which the nature of the manufacture admits of a substitute for manual labor in machinery; the facility of execution; the extensiveness of the uses to which the article can be applied; its subserviency to other interests, particularly the great one of national defence. There are, however, objects to which these circumstances are little applicable, which, for some special reasons, may have a claim to encouragement. . . .

Jefferson on Control of the Lower Mississippi, 1792

On December 22, 1791, Jefferson, then Secretary of State, reported to the President that Spain, apprised of the American solicitude for arrangements respecting our free navigation of the Mississippi, was ready to enter into a treaty thereon. On March 7, 1792, the Secretary submitted to the President for transmission to the Congress, a special report on the status of the negotiations. On November 21, 1794, the President nominated Thomas Pinckney to be envoy extraordinary "for the purpose of negotiating of and concerning the navigation of the river Mississippi," and Mr. Pinckney secured to the United States the object desired in the Treaty of St. Ildefonso. The following report of Jefferson (March 7, 1792) considers the principles involved in the negotiations. From text in P. L. Ford's "The Writings of Thomas Jefferson," New York, 1895, Vol. V., pp. 441–449. (See pages 49–50.)

The Secretary of State having understood from communications with the commissioners of His Catholic Majesty, subsequent to that which he reported to the President on the 22d of December last, that though they considered the navigation of the Mississippi as the principal object of negotiation between the two countries, yet it was expected by their Court that the conferences would extend to all the matters which were under negotiation on the former occasion with Mr. Gardoqui, and particularly to some arrangements of commerce, is



Thomas Pinckney.

THOMAS PINCKNEY

(From an engraving by W. G. Armstrong after an original miniature in oil by J. Trumbull)

of opinion that to renew the conferences on this subject also, since they desire it, will be but friendly and respectful, and can lead to nothing without our own consent, and that to refuse it might obstruct the settlement of the questions of navigation and boundary; and therefore reports to the President of the United States the following observations and instructions to the commissioners of the United States appointed to negotiate with the Court of Spain a treaty or convention relative to the navigation of the Mississippi, which observations and instructions he is of opinion should be laid before the Senate of the United States, and their decision be desired whether they will advise and consent that a treaty be entered into by the commissioners of the United States with Spain conformably thereto.

After stating to our commissioners the foundation of our rights to navigate the Mississippi and to hold our southern boundary at the thirty-first degree of latitude, and that each of these is to be a sine qua non, it is proposed to add as follows:

On the former conferences on the navigation of the Mississippi, Spain chose to blend with it the subject of commerce, and accordingly specific propositions thereon passed between the negotiators. Her object then was to obtain our renunciation of the navigation and to hold out commercial arrangements perhaps as a lure to us. Perhaps, however, she might then, and may now, really set a value on commercial arrangements with us, and may receive them as a consideration for accommodating us in the navigation, or may wish for them to have the appearance of receiving a consideration. Commercial arrangements, if acceptable in themselves, will not be the less so if coupled with those relating to navigation and boundary. We have only to take care that they be acceptable in themselves.

There are two principles which may be proposed as the basis of a commercial treaty: First, that of exchang-

ing the privileges of native citizens, or, second, those of the most favored nation.

First. With the nations holding important possessions in America we are ready to exchange the rights of native



GODOY, THE "PRINCE OF PEACE." PRIME MINISTER OF SPAIN IN 1793
(From the picture by P. A. Varin)

citizens, provided they be extended through the whole possessions of both parties; but the propositions of Spain made on the former occasion (a copy of which accompanies this) were that we should give their merchants, vessels, and productions the privileges of native mer-

chants, vessels, and productions through the whole of our possessions, and they give the same to ours only in Spain and the Canaries. This is inadmissible, because unequal; and as we believe that Spain is not ripe for an equal exchange on this basis, we avoid proposing it.

Second. Though treaties which merely exchange the rights of the most favored nations are not without all inconvenience, yet they have their conveniences also. It is an important one that they leave each party free to make what internal regulations they please, and to give what preferences they find expedient to native merchants, vessels, and productions; and as we already have treaties on this basis with France, Holland, Sweden, and Prussia, the two former of which are perpetual, it will be but small additional embarrassment to extend it to Spain. On the contrary, we are sensible it is right to place that nation on the most favored footing, whether we have a treaty with them or not, and it can do us no harm to secure by treaty a reciprocation of the right.

Of the four treaties before mentioned, either the French or the Prussian might be taken as a model; but it would be useless to propose the Prussian, because we have already supposed that Spain would never consent to those articles which give to each party access to all the dominions of the other; and without this equivalent we would not agree to tie our own hands so materially in war as would be done by the twenty-third article, which renounces the right of fitting out privateers or of capturing merchant vessels. The French treaty, therefore, is proposed as the model. In this, however, the following changes are to be made:

We should be admitted to all the dominions of Spain to which any other foreign nation is or may be admitted.

Article 5, being an exemption from a particular duty in France, will of course be omitted as inapplicable to Spain.

Article 8 to be omitted as unnecessary with Morocco,

and inefficacious and little honorable with any of the Barbary powers; but it may furnish occasion to sound Spain on the project of a convention of the powers at war with the Barbary States to keep up by rotation a constant cruise of a given force on their coasts till they shall be compelled to renounce forever and against all nations their predatory practices. Perhaps the infidelities of the Algerines to their treaty of peace with Spain, though the latter does not choose to break openly, may induce her to subsidize *us* to cruise against them with a given force.

Articles 9 and 10, concerning fisheries, to be omitted as inapplicable.

Article 11. The first paragraph of this article respecting the droit d'aubaine to be omitted, that law being supposed peculiar to France.

Article 17, giving asylum in the ports of either to the armed vessels of the other with the prizes taken from the enemies of that other, must be qualified as it is in the nineteenth article of the Prussian treaty, as the stipulation in the latter part of the article that "no shelter or refuge shall be given in the ports of the one to such as shall have made prize on the subjects of the other of the parties" would forbid us, in case of a war between France and Spain, to give shelter in our ports to prizes made by the latter on the former, while the first part of the article would oblige us to shelter those made by the former on the latter—a very dangerous covenant, and which ought never to be repeated in any other instance.

Article 29. Consuls should be received at all the ports at which the vessels of either party may be received.

Article 30, concerning free ports in Europe and America, free ports in the Spanish possessions in America, and particularly at The Havannah, are more to be desired than expected. It can therefore only be recommended to the best endeavors of the commissioners to obtain

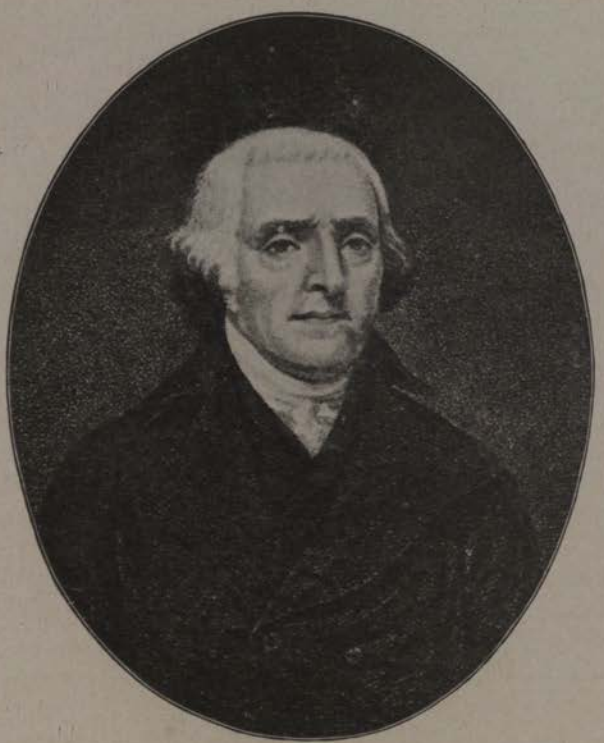
them. It will be something to obtain for our vessels, flour, etc., admission to those ports during their pleasure. In like manner, if they could be prevailed on to reestablish our right of cutting logwood in the Bay of Campeachy on the footing on which it stood before the treaty of 1763, it would be desirable and not endanger to us any contest with the English, who by the revolution treaty are restrained to the southeastern parts of Yucatan.

. . . . . .

The treaty must not exceed —— years' duration, except the clauses relating to boundary and the navigation of the Mississippi, which must be perpetual and final. Indeed these two subjects had better be in a separate instrument.

There might have been mentioned a third species of arrangement—that of making special agreement on every special subject of commerce, and of settling a tariff of duty to be paid on each side on every particular article; but this would require in our commissioners a very minute knowledge of our commerce, as it is impossible to foresee every proposition of this kind which might be brought into discussion and to prepare them for it by information and instruction from hence. Our commerce, too, is as yet rather in a course of experiment, and the channels in which it will ultimately flow are not sufficiently known to enable us to provide for it by special agreement; nor have the exigencies of our new Government as yet so far developed themselves as that we can know to what degree we may or must have recourse to commerce for the purposes of revenue. No common consideration, therefore, ought to induce us as yet to arrangements of this kind. Perhaps nothing should do it with any nation short of the privileges of natives in all their possessions, foreign and domestic.

It were to be wished, indeed, that some positively



THOMAS JEFFERSON

(From the painting by Gilbert Stuart, reproduced in the *European Magazine*, 1809)

favorable stipulations respecting our grain, flour, and fish could be obtained, even on our giving reciprocal advantages to some of the commodities of Spain, say her wines and brandies; but,

First. If we quit the ground of the most *favored nation* as to certain articles for our convenience, Spain may insist on doing the same for other articles for her convenience, and thus our commissioners will get themselves on the ground of a *treaty of detail*, for which they will not be prepared.

Second. If we grant favor to the wines and brandies of Spain, then Portugal and France will demand the same; and in order to create an equivalent Portugal may lay a duty on our fish and grain, and France a prohibition on our whale oils, the removal of which will be proposed as an equivalent.

This much, however, as to grain and flour may be attempted. There has not long since been a considerable duty laid on them in Spain. This was while a treaty on the subject of commerce was pending between us and Spain, as that Court considers the matter. It is not generally thought right to change the state of things pending a treaty concerning them. On this consideration and on the motive of cultivating our friendship, perhaps the commissioners may induce them to restore this commodity to the footing on which it was on opening the conferences with Mr. Gardoqui, on the 26th day of July, 1785. If Spain says "Do the same by your tonnage on our vessels," the answer may be that "Our foreign tonnage affects Spain very little and other nations very much; whereas the duty on flour in Spain affects us very much and other nations very little; consequently there would be no equality in reciprocal relinquishment, as there had been none in the reciprocal innovation; and Spain, by insisting on this, would in fact only be aiding the interests of her rival nations, to whom we should be forced to extend the same in-

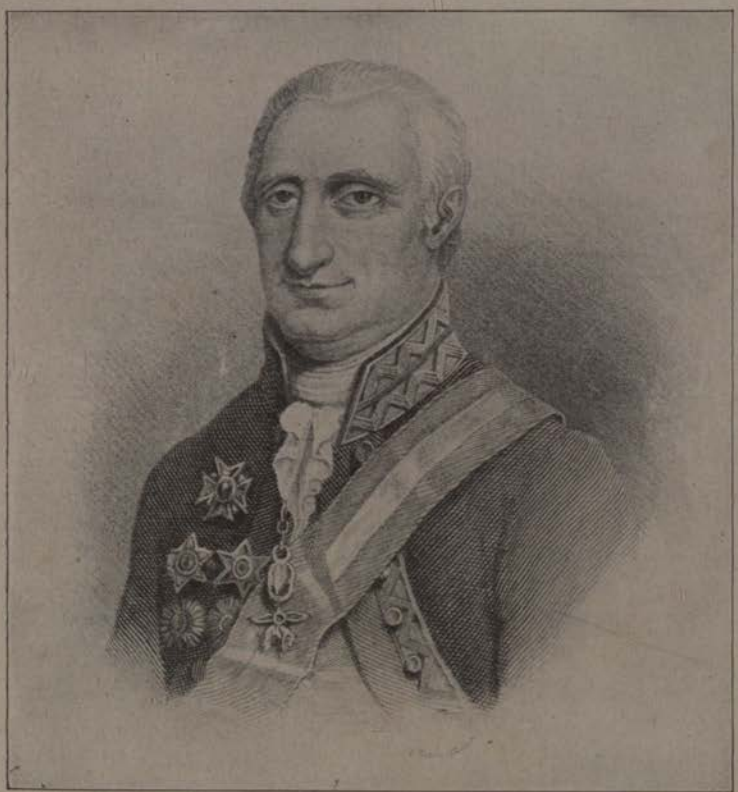
dulgence." At the time of opening the conferences, too, we had as yet not erected any system, our Government itself being not yet erected. Innovation then was unavoidable on our part, if it be innovation to establish a system. We did it on fair and general ground, on ground favorable to Spain; but they had a system, and therefore innovation was avoidable on their part.

Articles Proposed by Don Diego Gardoqui to Be Inserted in the Treaty with the United States

First. That all commercial regulations affecting each other shall be founded in perfect reciprocity. Spanish merchants shall enjoy all the commercial privileges of native merchants in the United States, and American merchants shall enjoy all the commercial privileges of native merchants in the Kingdom of Spain and in the Canaries and other islands belonging to and adjacent thereto. The same privileges shall extend to their respective vessels and merchandise consisting of the manufactures and products of their respective countries.

Second. Each party may establish consuls in the countries of the other (excepting such provinces in Spain into which none have heretofore been admitted, viz, Bilboa and Guipusca), with such powers and privileges as shall be ascertained by a particular convention.

Third. That the bona fide manufactures and productions of the United States (tobacco only excepted, which shall continue under its present regulation) may be imported in American or Spanish vessels into any parts of His Majesty's European dominions and islands aforesaid in like manner as if they were the productions of Spain, and, on the other hand, that the bona fide manufactures and productions of His Majesty's dominions may be imported into the United States in Spanish or



CHARLES IV., KING OF SPAIN
(From an engraving by W. Read)

American vessels in like manner as if they were the manufactures and productions of the said States. And further, that all such duties and imposts as may mutually be thought necessary to lay on them by either party shall be ascertained and regulated on principles of exact reciprocity by a tariff, to be formed by a convention for that purpose, to be negotiated and made within *one* year after the exchange of the ratification of this treaty; and in the meantime that no other duties or imposts shall be exacted from each other's merchants and ships than such as may be payable by natives in like cases.

Fourth. That inasmuch as the United States, from not having mines of gold and silver, may often want supplies of specie for a circulating medium, His Catholic Majesty, as a proof of his good will, agrees to order the masts and timber which may from time to time be wanted for his royal navy to be purchased and paid for in specie in the United States, provided the said masts and timber shall be of equal quality and when brought to Spain shall not cost more than the like may there be had for from other countries.

Fifth. It is agreed that the articles commonly inserted in other treaties of commerce for mutual and reciprocal convenience shall be inserted in this, and that this treaty and every article and stipulation therein shall continue in full force for —— years, to be computed from the day of the date hereof.

THE END OF VOLUME V


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